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Progress in the preparation of the report of the Secretary-General on different methodologies that might be used to correct the geographical imbalance in hiring consultants

Note by the Secretary-General**

1. Following its consideration of the report of the Joint Inspection Unit (JIU) entitled "The use of consultants in the United Nations" (JIU/REP/2002/2, contained in document A/55/59), the Committee for Programme and Coordination (CPC) requested the Secretary-General to study different methodologies which might be used to improve the geographical balance in hiring consultants and to report to it at its forty-second session on workable options to enable Member States to make an informed choice among alternative systems (see A/56/16, para. 454).

2. Previously, in recognition of this concern, the Secretary-General had undertaken to make an effort to limit the number of consultants engaged from any one Member State within a department/office or within an occupational group (see A/54/164, para. 15).

3. As a starting point for further study, the Secretariat took note of important considerations set out by JIU in its report on the use of consultants. In that report, JIU said that it would be difficult to extend and apply the methodology of the system of the desirable ranges for staff to the consultants, since, unlike the system for staff, a stable core of consultants does not exist (see JIU/REP/2000/2, para. 79).

* E/AC.51/2002/1.

** The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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For the same reasons, a separate system of national quotas for consultants would have the same drawback. JIU went on to suggest a method of indexing the geographical distribution of consultants based on the system of desirable ranges applied to professional staff as a reference point. In order to facilitate the advancement of the discussion on this topic, the present note contains a version of such a system for consideration by Member States.

4. The established system of desirable ranges for staff members is the only existing system of geographical representation norms approved by the General Assembly. The system is a mathematic formula that builds from a base figure to calculate a midpoint and desirable range derived from membership, population and contribution factors for each Member State. Any alternative system would require the achievement of a new policy consensus.

5. As an example of how the application of the existing system of desirable ranges for staff could apply to consultants and individual contractors, annex I compares by Member State the weighted values for the fractional numbers of consultants hired and the related fees spent in 2000 to comparable weighted fractional values of the midpoint in the desirable range.[1] The comparison uses the 2000 data on consultants and the geographical staff midpoint situation of February 2002, which is based on the new scale of assessments. Although the table was developed according to parameters that may need further refinement, they demonstrate a certain relationship between numbers and fees of consultants and geographical representation status.

6. When a country's weighted person and fee fraction of the consultants hired in 2000 is applied to the midpoint fraction for the same country, the comparison shows a not otherwise obvious result with respect to consultants' representation. Member States for which there is a nearly exact correlation between consultants hired in 2000 and what they would be entitled to under this system of desirable ranges are shown in annex II, column 1. Some countries have fewer consultants than their midpoint fraction would warrant, as indicated in annex II, column 2. For this group of countries, more of their nationals would have to be engaged, at higher costs, to correct this perceived imbalance. Finally, a number of Member States have more consultants than their midpoint fraction would warrant; these are shown in annex II, column 3. For this group of countries, measures would have to be devised to reduce the number and cost of their nationals engaged as consultants in order to correct this perceived imbalance.

7. For 2000 annex III (with February 2002 midpoints) provides the same comparison by categories of national economies — developing, developed and in transition — divided into those countries whose nationals provided consultants and individual contractors and those whose nationals did not.[2] Some 41 Member States (21.7 per cent of the total) did not provide any consultants or individual contractors to the Secretariat in 2000. As shown in annex III, each national economy grouping reaches more than 82 per cent of "target representation".

8. In order to be able to evaluate the full extent of the consequences of applying a system of geographical quotas to the hiring of consultants, the Secretary-General would need to initiate an in-depth multi-year study aimed at designing and setting up an operational reporting subsystem that would allow for continuous feedback and monitoring regarding not only the nationality of the consultants hired but also the nationality of the short-listed candidates not hired. By tracking data on available,

non-hired candidates over a period of years, it would then be possible to ascertain whether there are significant opportunities to change the present distribution and to assess the related financial implications, if any. It should be pointed out that the current Integrated Management Information System does not allow for the tracking of short-listed candidates for a consultancy assignment who were available but not hired. Should this study be authorized, the Secretary-General would propose to calculate the related financial implications, follow the funding approval process and report back on the results at a session taking place three years after the study began.

9. In the meantime, it would appear prudent to proceed only after receiving some guidance from the General Assembly on the subject of applicable norms. Without agreed norms, it is impossible to characterize the nationality distribution of consultants and contractors as unbalanced or, for that matter, balanced.

10. As an additional consideration, the Committee for Programme and Coordination may wish to devote some attention to the overall impact of the nationality distribution of consultants. During 2000, the latest period for which current data on consultants and individual contractors is available, just less than $42 million was spent on such services. In that same period, total United Nations financial activity amounted to more than $10 billion. Thus, only some 0.42 per cent of the Organization's resources that year were devoted to consultants and individual contractors.

11. During that same period, as in years past, the most powerful expression of the idea of equitable geographic representation related to staff, where the bulk of the Organization's resources were expended. The overall geographic representation of staff closely matched, with a few exceptions, the established targets for equitable geographic distribution. For nearly all countries where some action is needed to correct underrepresentation or overrepresentation, the number of appointments or separations required to achieve perfect correspondence with the targets is marginal.

Notes

[1] Annex I is based on the data included in the report of the Secretary-General of 26 February 2002 on consultants and individual contractors for 2000 (A/56/834). In order to allow for effective and valid comparisons of the number of consultants and individual contractors hired and the fees paid with the system of desirable ranges, a common comparator for persons, fees and midpoints needed to be developed. This comparator was developed on a basis of 100 by fractioning each element item as compared to the sum of the element items (100) of each element. A weighted average was calculated by lumping together person fractions and fee fractions on a weighted distribution of 55 per cent for the fees and 45 per cent for the persons. This distribution ratio was chosen following the weight of 55 per cent given to Member States' contributions in the calculation of their midpoint of the range in the system of desirable ranges for staff.

[2] Groupings of Member States are derived from the *World Economic and Social Survey 2001: Trends and Policies in the World Economy* (United Nations publication, Sales No. E.01.II.C.1).

Annex I

Comparison of consultants with geographical representation midpoints, using a weighted fraction methodology for Member States whose nationals were employed in 2000

	(a)	(b)	(c)**	(d)	(e)
Country	*Percentage of total persons*	*Percentage of total fees*	*Weighted average (a) and (b)*	*Percentages of total midpoints (February 2002)*	*e=(c)-(d)*
Afghanistan*	0.00%	0.00%	0.00%	0.23%	-0.23%
Albania	0.40%	0.07%	0.22%	0.22%	0.00%
Algeria	0.27%	0.21%	0.24%	0.28%	-0.04%
Andorra*	0.00%	0.00%	0.00%	0.21%	-0.21%
Angola*	0.00%	0.00%	0.00%	0.22%	-0.22%
Antigua and Barbuda	0.07%	0.25%	0.17%	0.21%	-0.04%
Argentina	2.23%	1.48%	1.81%	0.88%	0.93%
Armenia*	0.00%	0.00%	0.00%	0.22%	-0.22%
Australia	2.28%	1.69%	1.96%	1.13%	0.83%
Austria	1.01%	0.88%	0.94%	0.74%	0.20%
Azerbaijan	0.02%	0.01%	0.02%	0.22%	-0.20%
Bahamas	0.02%	0.02%	0.02%	0.22%	-0.20%
Bahrain*	0.00%	0.00%	0.00%	0.22%	-0.22%
Bangladesh	0.49%	0.74%	0.63%	0.33%	0.30%
Barbados	0.12%	0.20%	0.16%	0.22%	-0.05%
Belarus	0.10%	0.05%	0.07%	0.23%	-0.16%
Belgium	0.82%	1.13%	0.99%	0.85%	0.14%
Belize*	0.00%	0.00%	0.00%	0.21%	-0.21%
Benin	0.10%	0.06%	0.08%	0.22%	-0.14%
Bhutan*	0.00%	0.00%	0.00%	0.21%	-0.21%
Bolivia	0.25%	0.39%	0.33%	0.22%	0.10%
Bosnia and Herzegovina	0.72%	0.34%	0.51%	0.22%	0.29%
Botswana	0.02%	0.01%	0.02%	0.22%	-0.20%
Brazil	1.26%	1.13%	1.19%	1.50%	-0.31%
Brunei Darussalam*	0.00%	0.00%	0.00%	0.23%	-0.23%
Bulgaria	0.17%	0.24%	0.21%	0.23%	-0.02%
Burkina Faso	0.25%	0.17%	0.20%	0.22%	-0.02%
Burundi	0.20%	0.17%	0.18%	0.22%	-0.04%
Cambodia	0.05%	0.01%	0.03%	0.22%	-0.20%
Cameroon	0.96%	1.01%	0.99%	0.23%	0.76%
Canada	3.39%	6.84%	5.28%	1.66%	3.63%
Cape Verde*	0.00%	0.00%	0.00%	0.21%	-0.21%
Central African Republic*	0.00%	0.00%	0.00%	0.22%	-0.22%
Chad	0.10%	0.06%	0.08%	0.22%	-0.14%
Chile	4.45%	2.30%	3.27%	0.33%	2.94%
China	1.14%	1.54%	1.36%	2.12%	-0.76%
Colombia	1.14%	1.36%	1.26%	0.34%	0.92%
Comoros*	0.00%	0.00%	0.00%	0.21%	-0.21%

Country	(a) Percentage of total persons	(b) Percentage of total fees	(c)** Weighted average (a) and (b)	(d) Percentages of total midpoints (February 2002)	e=(c)-(d)
Congo	0.12%	0.26%	0.20%	0.21%	-0.01%
Costa Rica	0.25%	0.16%	0.20%	0.23%	-0.03%
Côte d'Ivoire	0.35%	0.37%	0.36%	0.23%	0.13%
Croatia	0.74%	0.55%	0.64%	0.24%	0.40%
Cuba	0.17%	0.07%	0.12%	0.24%	-0.12%
Cyprus	0.07%	0.11%	0.09%	0.23%	-0.14%
Czech Republic	0.15%	0.22%	0.19%	0.31%	-0.12%
Democratic People's Republic of Korea*	0.00%	0.00%	0.00%	0.24%	-0.24%
Democratic Republic of the Congo	0.12%	0.13%	0.13%	0.26%	-0.13%
Denmark	0.59%	0.24%	0.40%	0.63%	-0.23%
Djibouti	0.15%	0.05%	0.10%	0.21%	-0.12%
Dominica*	0.00%	0.00%	0.00%	0.21%	-0.21%
Dominican Republic	0.10%	0.09%	0.10%	0.23%	-0.14%
Ecuador	0.30%	0.16%	0.22%	0.24%	-0.02%
Egypt	1.48%	1.22%	1.34%	0.31%	1.03%
El Salvador	0.10%	0.10%	0.10%	0.23%	-0.13%
Equatorial Guinea*	0.00%	0.00%	0.00%	0.21%	-0.21%
Eritrea*	0.00%	0.00%	0.00%	0.22%	-0.22%
Estonia	0.07%	0.03%	0.05%	0.22%	-0.17%
Ethiopia	7.59%	4.45%	5.86%	0.27%	5.60%
Fiji	0.27%	0.16%	0.21%	0.21%	0.00%
Finland	0.64%	1.64%	1.19%	0.51%	0.69%
France	5.32%	6.20%	5.80%	3.84%	1.96%
Gabon	0.05%	0.03%	0.04%	0.22%	-0.18%
Gambia	0.20%	0.17%	0.18%	0.21%	-0.03%
Georgia	0.02%	0.02%	0.02%	0.22%	-0.20%
Germany	1.98%	1.93%	1.95%	5.70%	-3.74%
Ghana	0.67%	0.93%	0.81%	0.23%	0.58%
Greece	0.22%	0.26%	0.24%	0.52%	-0.28%
Grenada*	0.00%	0.00%	0.00%	0.21%	-0.21%
Guatemala	0.27%	0.13%	0.19%	0.24%	-0.04%
Guinea	0.15%	0.09%	0.12%	0.22%	-0.10%
Guinea-Bissau*	0.00%	0.00%	0.00%	0.21%	-0.21%
Guyana	0.07%	0.14%	0.11%	0.21%	-0.10%
Haiti	0.07%	0.08%	0.08%	0.22%	-0.14%
Honduras	0.02%	0.03%	0.03%	0.22%	-0.19%
Hungary	0.27%	0.18%	0.22%	0.29%	-0.06%
Iceland	0.10%	0.12%	0.11%	0.23%	-0.12%
India	2.33%	3.11%	2.76%	1.23%	1.52%
Indonesia	0.47%	0.40%	0.43%	0.50%	-0.07%
Iran (Islamic Republic of)	0.30%	0.40%	0.35%	0.39%	-0.04%
Iraq	0.12%	0.14%	0.13%	0.29%	-0.16%
Ireland	0.89%	1.05%	0.98%	0.38%	0.60%
Israel	0.27%	0.50%	0.40%	0.45%	-0.05%
Italy	1.43%	2.20%	1.86%	3.07%	-1.21%

Country	(a) Percentage of total persons	(b) Percentage of total fees	(c)** Weighted average (a) and (b)	(d) Percentages of total midpoints (February 2002)	(e) e=(c)-(d)
Jamaica	0.15%	0.29%	0.23%	0.22%	0.01%
Japan	0.52%	0.61%	0.57%	11.14%	-10.57%
Jordan	0.52%	0.45%	0.48%	0.22%	0.26%
Kazakhstan	0.05%	0.06%	0.05%	0.24%	-0.19%
Kenya	2.10%	2.09%	2.09%	0.24%	1.85%
Kiribati*	0.00%	0.00%	0.00%	0.21%	-0.21%
Kuwait	0.02%	0.01%	0.02%	0.29%	-0.28%
Kyrgyzstan	0.02%	0.00%	0.01%	0.22%	-0.20%
Lao People's Democratic Rep.	0.10%	0.03%	0.06%	0.22%	-0.16%
Latvia*	0.00%	0.00%	0.00%	0.22%	-0.22%
Lebanon	1.68%	0.81%	1.20%	0.22%	0.98%
Lesotho*	0.00%	0.00%	0.00%	0.21%	-0.21%
Liberia	0.17%	0.28%	0.23%	0.21%	0.02%
Libyan Arab Jamahiriya*	0.00%	0.00%	0.00%	0.25%	-0.25%
Liechtenstein*	0.00%	0.00%	0.00%	0.21%	-0.21%
Lithuania*	0.00%	0.00%	0.00%	0.22%	-0.22%
Luxembourg*	0.00%	0.00%	0.00%	0.26%	-0.26%
Madagascar*	0.00%	0.00%	0.00%	0.23%	-0.23%
Malawi	0.07%	0.03%	0.05%	0.22%	-0.17%
Malaysia	0.54%	0.43%	0.48%	0.36%	0.12%
Maldives	0.02%	0.02%	0.02%	0.21%	-0.19%
Mali	0.22%	0.11%	0.16%	0.22%	-0.06%
Malta	0.07%	0.04%	0.05%	0.22%	-0.17%
Marshall Islands*	0.00%	0.00%	0.00%	0.21%	-0.21%
Mauritania	0.20%	0.13%	0.16%	0.21%	-0.06%
Mauritius	0.10%	0.04%	0.07%	0.22%	-0.15%
Mexico	0.74%	0.74%	0.74%	0.89%	-0.16%
Micronesia (Federated States of)*	0.00%	0.00%	0.00%	0.21%	-0.21%
Monaco*	0.00%	0.00%	0.00%	0.21%	-0.21%
Mongolia	0.07%	0.02%	0.04%	0.21%	-0.17%
Morocco	0.40%	0.48%	0.44%	0.26%	0.18%
Mozambique	0.07%	0.24%	0.16%	0.23%	-0.06%
Myanmar	0.17%	0.05%	0.10%	0.26%	-0.15%
Namibia	0.05%	0.25%	0.16%	0.22%	-0.06%
Nauru*	0.00%	0.00%	0.00%	0.21%	-0.21%
Nepal	0.42%	0.13%	0.26%	0.23%	0.03%
Netherlands	1.53%	1.55%	1.54%	1.19%	0.35%
New Zealand	0.57%	0.56%	0.56%	0.35%	0.22%
Nicaragua	0.07%	0.10%	0.09%	0.22%	-0.13%
Niger	0.10%	0.17%	0.14%	0.22%	-0.08%
Nigeria	0.67%	0.53%	0.59%	0.34%	0.26%
Norway	0.89%	0.87%	0.88%	0.57%	0.31%
Oman*	0.00%	0.00%	0.00%	0.25%	-0.25%
Pakistan	0.40%	0.47%	0.44%	0.36%	0.08%
Palau*	0.00%	0.00%	0.00%	0.21%	-0.21%
Panama	0.02%	0.01%	0.02%	0.22%	-0.21%

Country	(a) Percentage of total persons	(b) Percentage of total fees	(c)** Weighted average (a) and (b)	(d) Percentages of total midpoints (February 2002)	(e) e=(c)-(d)
Papua New Guinea	0.02%	0.00%	0.01%	0.22%	-0.21%
Paraguay	0.10%	0.00%	0.04%	0.23%	-0.18%
Peru	0.79%	1.34%	1.09%	0.30%	0.80%
Philippines	1.34%	1.21%	1.27%	0.33%	0.94%
Poland	0.25%	0.14%	0.19%	0.42%	-0.23%
Portugal	0.17%	0.14%	0.15%	0.48%	-0.32%
Qatar*	0.00%	0.00%	0.00%	0.23%	-0.23%
Republic of Korea	0.37%	0.26%	0.31%	1.28%	-0.97%
Republic of Moldova	0.02%	0.05%	0.04%	0.22%	-0.18%
Romania	0.25%	0.14%	0.19%	0.26%	-0.07%
Russian Federation	1.43%	2.02%	1.76%	0.99%	0.76%
Rwanda	0.35%	0.27%	0.30%	0.22%	0.08%
Saint Kitts and Nevis*	0.00%	0.00%	0.00%	0.21%	-0.21%
Saint Lucia*	0.00%	0.00%	0.00%	0.21%	-0.21%
Saint Vincent and the Grenadines*	0.00%	0.00%	0.00%	0.21%	-0.21%
Samoa	0.10%	0.02%	0.06%	0.21%	-0.15%
San Marino*	0.00%	0.00%	0.00%	0.21%	-0.21%
Sao Tome and Principe*	0.00%	0.00%	0.00%	0.21%	-0.21%
Saudi Arabia	0.12%	0.03%	0.07%	0.54%	-0.46%
Senegal	0.74%	0.84%	0.80%	0.22%	0.58%
Seychelles	0.02%	0.01%	0.02%	0.21%	-0.19%
Sierra Leone	0.32%	0.10%	0.20%	0.22%	-0.02%
Singapore	0.17%	0.17%	0.17%	0.43%	-0.26%
Slovakia	0.12%	0.09%	0.11%	0.24%	-0.13%
Slovenia	0.10%	0.03%	0.06%	0.26%	-0.19%
Solomon Islands	0.05%	0.00%	0.02%	0.21%	-0.19%
Somalia	0.02%	0.02%	0.02%	0.22%	-0.20%
South Africa	0.87%	1.05%	0.97%	0.47%	0.50%
Spain	1.01%	0.68%	0.83%	1.64%	-0.81%
Sri Lanka	0.52%	0.25%	0.37%	0.24%	0.14%
Sudan	0.32%	0.14%	0.22%	0.24%	-0.02%
Suriname	0.05%	0.02%	0.04%	0.21%	-0.18%
Swaziland*	0.00%	0.00%	0.00%	0.21%	-0.21%
Sweden	1.04%	1.52%	1.30%	0.79%	0.51%
Syrian Arab Republic	0.37%	0.24%	0.30%	0.27%	0.03%
Tajikistan	0.05%	0.01%	0.03%	0.22%	-0.19%
Thailand	1.29%	0.56%	0.89%	0.40%	0.48%
The former Yugoslav Republic of Macedonia	0.12%	0.04%	0.08%	0.22%	-0.14%
Togo	0.10%	0.05%	0.07%	0.22%	-0.14%
Tonga	0.05%	0.03%	0.04%	0.21%	-0.17%
Trinidad and Tobago	0.17%	0.23%	0.20%	0.22%	-0.02%
Tunisia	0.27%	0.17%	0.21%	0.24%	-0.02%
Turkey	0.10%	0.32%	0.22%	0.51%	-0.29%
Turkmenistan*	0.00%	0.00%	0.00%	0.22%	-0.22%
Tuvalu*	0.00%	0.00%	0.00%	0.21%	-0.21%

Country	(a) Percentage of total persons	(b) Percentage of total fees	(c)** Weighted average (a) and (b)	(d) Percentages of total midpoints (February 2002)	(e) e=(c)-(d)
Uganda	0.52%	0.53%	0.52%	0.23%	0.29%
Ukraine	0.17%	0.17%	0.17%	0.28%	-0.11%
United Arab Emirates*	0.00%	0.00%	0.00%	0.33%	-0.33%
United Kingdom	7.74%	8.25%	8.02%	3.33%	4.69%
United Republic of Tanzania	0.57%	0.71%	0.65%	0.24%	0.40%
United States of America	11.55%	13.98%	12.89%	12.55%	0.34%
Uruguay	0.54%	0.50%	0.52%	0.26%	0.26%
Uzbekistan	0.05%	0.01%	0.03%	0.24%	-0.21%
Vanuatu	0.07%	0.01%	0.04%	0.21%	-0.17%
Venezuela	0.42%	0.39%	0.40%	0.35%	0.06%
Viet Nam	0.30%	0.12%	0.20%	0.28%	-0.08%
Yemen	0.15%	0.07%	0.11%	0.23%	-0.12%
Yugoslavia	0.77%	0.29%	0.51%	0.23%	0.27%
Zambia	0.25%	0.24%	0.24%	0.22%	0.02%
Zimbabwe	0.37%	0.39%	0.38%	0.23%	0.16%
Total	**100.00%**	**100.00%**	**100.00%**	**100.00%**	**0.00%**

* Member States (41) whose nationals were not employed as consultants/contractors in 2000.
** (c)=(a x 45/100) + (b x 55/100).

Annex II

Annex I data displayed in three categories: Member States whose representation is identical or nearly identical to the calculated norm (column 1)

Member States whose representation exceeds the calculated norm (column 2) Member States whose representation falls short of the calculated norm (column 3)

1	*2*	*3*	
Within range	*Overrepresented*	*Underrepresented*	
Albania	Argentina	Afghanistan*	Germany
Algeria	Australia	Andorra*	Greece
Antigua and Barbuda	Austria	Angola*	Grenada*
Barbados	Bangladesh	Armenia*	Guinea-Bissau*
Bolivia	Belgium	Azerbaijan	Haiti
Bulgaria	Bosnia and Herzegovina	Bahamas	Honduras
Burkina Faso	Cameroon	Bahrain*	Iceland
Burundi	Canada	Belarus	Iraq
Congo	Chile	Belize*	Italy
Costa Rica	Colombia	Benin	Japan
Ecuador	Côte d'Ivoire	Bhutan*	Kazakhstan
Fiji	Croatia	Botswana	Kiribati*
Gambia	Egypt	Brazil	Kuwait
Guatemala	Ethiopia	Brunei Darussalam*	Kyrgyzstan
Guinea	Finland	Cambodia	Lao People's Democratic Rep.
Guyana	France	Cape Verde*	Latvia*
Hungary	Ghana	Central African Republic*	Lesotho*
Indonesia	India	Chad	Libyan Arab Jamahiriya*
Iran	Ireland	China	Liechtenstein*
Israel	Jordan	Comoros*	Lithuania*
Jamaica	Kenya	Cuba	Luxembourg*
Liberia	Lebanon	Cyprus	Madagascar*
Mali	Malaysia	Czech Republic	Malawi
Mauritania	Morocco	Democratic People's Republic of Korea*	Maldives
Mozambique	Netherlands		Malta
Namibia	New Zealand	Democratic Republic of the Congo	Marshall Islands*
Nepal	Nigeria		Mauritius
Niger	Norway	Denmark	Mexico
Pakistan	Peru	Djibouti	Micronesia*
Romania	Philippines	Dominica*	Monaco*
Rwanda	Russian Federation	Dominican Republic	Mongolia
Sierra Leone	Senegal	El Salvador	Myanmar
Sudan	South Africa	Equatorial Guinea*	Nauru*
Syrian Arab Republic	Sri Lanka	Eritrea*	Nicaragua
Trinidad and Tobago	Sweden	Estonia	Oman*
Tunisia	Thailand	Gabon	Palau*

1	2	3	
Within range	*Overrepresented*	*Underrepresented*	
Venezuela	Uganda	Georgia	Panama
Viet Nam	United Kingdom	Papua New Guinea	Solomon Islands
Zambia	United States of America	Paraguay	Somalia
	Uruguay	Poland	Spain
	United Rep. of Tanzania	Portugal	Suriname
	Yugoslavia	Qatar*	Swaziland*
	Zimbabwe	Republic of Korea	Tajikistan
		Republic of Moldova	The former Yugoslav Republic
		Saint Kitts and Nevis*	of Macedonia
		Saint Lucia*	Togo
		Saint Vincent and the	Tonga
		Grenadines*	Turkey
		Sao Tome and Principe*	Turkmenistan*
		Samoa	Tuvalu*
		San Marino*	Ukraine
		Saudi Arabia	United Arab Emirates*
		Seychelles	Uzbekistan
		Singapore	Vanuatu
		Slovakia	Yemen
		Slovenia	

* Member States (41) whose nationals were not employed as consultants/contractors in 2000.
Within range: indicates a difference of between -0.1 per cent and 0.1 per cent between the midpoint and the calculated norm.
Overrepresented: indicates a difference of above 0.1 per cent between the midpoint and the calculated norm.
Underrepresented: indicates a difference of below -0.1 per cent between the midpoint and the calculated norm.

Annex III

Comparison of consultant representation by type of economy (Midpoint data of February 2002)

	Consultants		*No Consultants*	
	Midpoint totals	*Percentage*	*Midpoint totals*	*Percentage*
Developed economies	1 390.29	97.8	30.0	2.1
Developing economies	903.76	82.6	191.1	17.4
Economies in transition	166.95	87.6	23.67	12.4

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Committee for Programme and Coordination
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Item 4 (c) of the provisional agenda*
Programme questions: evaluation

In-depth evaluation of the subprogrammes on General Assembly and Economic and Social Council affairs and Economic and Social Council support and coordination

Note by the Secretary-General**

In conformity with General Assembly resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999, the Secretary-General has the honour to transmit herewith the report of the Office of Internal Oversight Services on the in-depth evaluation of the subprogrammes on General Assembly and Economic and Social Council affairs and Economic and Social Council support and coordination. The report has been reviewed by the relevant departments and offices. The Secretary-General takes note of its findings and concurs with its recommendations.

* E/AC.51/2002/1.

** The delay in the submission of the present document was a result of lengthy internal consultations.

02-32756 (E) 070502

Report of the Office of Internal Oversight Services on the in-depth evaluation of the subprogrammes on General Assembly and Economic and Social Council affairs and Economic and Social Council support and coordination

Summary

The present report focuses on the substantive and technical secretariat support to intergovernmental bodies primarily in the economic and social areas. The first part of the report reviews the work of subprogramme 28.1, Economic and Social Council support and coordination, of the medium-term plan for the period 1998-2001, as revised (A/53/6/Rev.1) which provides substantive secretariat support. It is implemented by the Division for Economic and Social Council Support and Coordination of the Department of Economic and Social Affairs. The second part of the report reviews the work of subprogramme 27.1, General Assembly and Economic and Social Council affairs, which provides technical secretariat support. It is implemented by the General Assembly and Economic and Social Council Affairs Division of the Department of General Assembly Affairs and Conference Services.

The objectives of the Division for Economic and Social Council Support and Coordination include the following: (a) assist and support the intergovernmental decision-making process in the Economic and Social Council and the Second Committee of the General Assembly; (b) facilitate and promote greater cooperation and collaboration among organizations of the United Nations system in the economic and social areas; (c) promote and strengthen coherence and reform within the United Nations system in the area of operational activities for development; and (d) mobilize non-governmental organizations to participate in the work of the Council.

The Division has achieved most of its objectives during the period under consideration. In partnership with the Bureau of the Council, the Division's work has contributed to the marked improvement in the functioning of the Council. The Division recommended many actions to be taken by Governments, intergovernmental bodies, organizations of the United Nations system and civil society that were incorporated into final decisions of the Council. It provided, as well, requested assistance in the negotiation process. The Division also facilitated innovation in the work of the Council through the introduction of panels of eminent persons and by holding a joint meeting between the Council and the Bretton Woods institutions. There was an increase in the number and level of government participants in the high-level segment as well as an increase in the number and level of participants from the United Nations system in the work of the Council. The Division has also been largely successful in performing its function of acting as a bridge between the Council and the funds and programmes on operational issues, and has initiated an outreach programme on the work of the Council. In mobilizing non-governmental organizations to participate in the work of the Council, the Division worked to enhance the efficiency of the non-governmental organization review process by increasing the quality of the applications; developed training workshops, which were presented in the regions and at major conferences; promoted regional networks to strengthen communication and coordination among non-governmental organizations;

and achieved greater balance in the representation of organizations from developing countries.

While the evaluation did not find significant shortcomings in the support provided by the Division to the Council, it identified the following issues: (a) the preparatory process could be made more effective through a more systematic use of panels, round tables and seminars, especially in advance of the session, if outcome documents were adopted by the joint meetings with the Bretton Woods institutions and if the functional commissions were to make a specific input to the Council's annual themes; (b) there is a need to involve delegations from Geneva in the preparatory process when sessions are to be held at Geneva; (c) the planning of themes for the various segments could benefit from a multi-year perspective; (d) the work of the Council should be made more visible by focusing the web site on the issues before it; and (e) it was also noted that the backlog of applications from non-governmental organizations awaiting processing by the Division had increased over the past four years along with the proportion of applications deferred.

Recommendations are made: (a) to make the preparatory process for the segments of the Council more deliberative and reflective; (b) to introduce longer-term planning in the work of the Council and to establish better linkages with the functional commissions; (c) to produce a greater percentage of Council documents on time; (d) to make the role of the Division as a bridge between the General Assembly and the Council on operational issues more effective; (e) to reconsider the scheduling of the meetings of the segments of the Council; (f) to make the work of the Council more visible and accessible by revamping the web site; and (g) to develop strategies to reduce the backlog of non-governmental organization applications.

The second part of the report reviews the technical secretariat support given by the General Assembly and Economic and Social Council Affairs Division of the Department of General Assembly Affairs and Conference Services. This Division was established in 1997 in the context of the Secretary-General's management reform measures to combine entities that were previously located in the Department of Political Affairs and the Department for Policy Coordination and Sustainable Development. The Division's main objectives are: (a) to provide technical secretariat services to the General Assembly, its Main Committees (First to Fourth), its subsidiary and ad hoc bodies and the Council and its subsidiary bodies headquartered in New York, including authoritative procedural advice; and (b) to coordinate the timely preparation of pre-session documentation and to prepare in-session documentation in all official languages for the above-mentioned intergovernmental bodies.

The Division has performed efficiently and effectively in providing technical secretariat services to intergovernmental bodies during a period of organizational transition, which necessarily included physical relocation and changes in staff members' roles and responsibilities. Recent General Assembly resolutions calling for streamlining and revitalizing the work of the Assembly and its Main Committees have created not only new demands but also new challenges for the Division. Generally, delegations have expressed satisfaction with the support provided by the Division, while at the same time suggesting ways for improving both the technical and substantive support provided by the Secretariat, with particular emphasis on the timely submission of documents. The Division has made a serious effort to improve the latter by creating a new documentation-monitoring unit, by holding regular

meetings with focal points in author departments and by presenting several proposals on improving departmental accountability to the Committee on Conferences. Despite these efforts, a significant proportion of General Assembly and Council documents are issued after the six-week deadline approved by the Assembly.

Recommendations are made: (a) to strengthen the provision of advice and support by technical and substantive secretariats; (b) to make more efficient use of meeting services; and (c) for the Department of General Assembly Affairs and Conference Services to prepare a multi-year management plan to reduce delays in documentation when the causes are within the control of the Secretariat.

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I. Introduction

1. As recommended by the Committee for Programme and Coordination at its fortieth session,[1] the Office of Internal Oversight Services (OIOS) conducted an in-depth evaluation of subprogramme 28.1, Economic and Social Council support and coordination of the medium-term plan for the period 1998-2001, as revised,[2] implemented by the Department of Economic and Social Affairs, and subprogramme 27.1, General Assembly and Economic and Social Council affairs, implemented by the Department of General Assembly Affairs and Conference Services. The present report focuses primarily on the secretariat support provided to established intergovernmental bodies in the economic and social areas and covers the period from 1998 to 2001, that is, the span of one medium-term plan. Part one of the report contains an assessment of the substantive support provided to the Council by the Department of Economic and Social Affairs, while part two contains an assessment of the technical secretariat support provided by the Department of General Assembly Affairs and Conference Services in the economic and social areas. Standard procedures for the in-depth evaluation were followed: (a) initial consultations with the department and offices; (b) collection of United Nations documents and reports, and other existing assessments; (c) structured interviews and consultations with staff members of the two Divisions, current and former members of the office of the President of the General Assembly, former members of the bureaux of the Economic and Social Council, the Second, Third and Fourth Committees of the General Assembly, representatives on the Committee on Conferences and the Committee on Non-Governmental Organizations; (d) systematic content analysis of Council documents and resolutions; and (e) examination of summary records and composition of panels of the Council. The findings and recommendations of a February 2001 OIOS inspection on the consolidation of technical support services in the Department of General Assembly Affairs and Conference Services (A/55/803) have been taken into account and updated information with respect to implementation is provided.

Part one
Evaluation of Economic and Social Council support and coordination

II. Background

2. The goal of subprogramme 28.1, Economic and Social Council support and coordination, which is implemented by the Division for Economic and Social Council Support and Coordination, is to strengthen the policy management and coordinating roles of the Economic and Social Council as well as enable the Council to better fulfil its role in the policy dialogue on macroeconomic issues.[3]

3. As the medium-term plan for the period 1998-2001 did not specify performance measures, OIOS consulted the programme managers and adapted the performance measures in the approved medium-term plan for 2002-2005[4] to the previous period.

4. Until 1997, the subprogramme was implemented by the Division for Economic and Social Council Support and Coordination in the Department for Policy

Coordination and Sustainable Development. With the establishment of the Department of Economic and Social Affairs in 1998, the new Division for Economic and Social Council Support and Coordination is implementing the programme. Its responsibilities were essentially unchanged, except for the transfer to the Department of General Assembly Affairs and Conference Services of the function of technical secretariat of the Council and the Second and Third Committees of the General Assembly. The Division consists of three branches: Policy Coordination, Interorganization Cooperation and Development Cooperation Policy. During 2000-2001 the Division had a budget of $8.8 million and an establishment of 46 posts.

III. Assisting the process of intergovernmental decision-making

5. The approved first objective of the subprogramme in the medium-term plan for 1998-2001 is to develop proposals and provide support to central intergovernmental bodies for the integrated and coordinated policy responses to issues of development and to emerging global problems in the economic and social fields (para. 28.6 (a)).

A. Facilitate intergovernmental agreements

6. In order to facilitate intergovernmental agreements, the Division for Economic and Social Council Support and Coordination prepares reports, organizes panels and round tables, encourages participation by senior officials of the organizations of the United Nations system and provides assistance, on request, during the process of negotiating resolutions, agreed conclusions and ministerial declarations. It also coordinates the preparation and presentation to the Council's general segment of reports of organizations of the United Nations system.

7. Members of current and past bureaux of the Council indicated that the support provided by the Division was very helpful in reaching agreements. The support mentioned included facilitation of the preparation of drafts that would serve as the basis for ministerial declarations, elements for resolutions and general support in ensuring that decisions adopted were consistent with past practice and realistic in the context of the United Nations system.

8. The measure of performance for this activity is the proportion of recommendations in the reports prepared by the Division that are included in the outcome documents that are adopted by the Council. During the five-year period, an average 28 per cent of the recommendations made by the Division were included in the agreed text. As shown in table 1, there was greater utilization of recommendations in the coordination segments and the high-level segments of 1998 and 2001. *The operational activities segments in those years, when the triennial comprehensive policy review was scheduled in the General Assembly, were mainly contributing to the review process by providing views and comments to the analytical reports of the Division to be used in the formulation of policy recommendations for the report to the General Assembly.** The common factor in these segments was the use of panels (involving a presentation by a group of eminent persons, *government representatives and United Nations country teams* followed by a discussion with the Council) and briefings in advance of the session

* The text shown in italics represents the comments of management on the present report.

(coordination, operational and high-level segments) and during the session (high-level segment). A smaller proportion of the recommendations were adopted in: (a) the high-level segment of 1999 on the role of employment and work in poverty eradication: the empowerment and advancement of women; and (b) the coordination segment of 2000 (on assessment of the progress made in the promotion of an integrated and coordinated implementation of and follow-up to major United Nations conferences and summits). For the high-level segment of 1999, owing to the scarcity of related, empirically based research within the Secretariat, the preparation of the theme report was assigned to another agency (International Labour Organization), and not to the Division, as is generally the case. For the coordination segment of 2000, the scheduling of the theme, so close to several of the five-year reviews in 1999 and 2000, may not have provided sufficient span for an assessment.

Table 1
Percentage of recommendations made by the Division for Economic and Social Council Support and Coordination adopted by the Council

Segment	*1997*	*1998*	*1999*	*2000*	*2001*
High-level	32.0	50.0	4.8	20.0	40.0
Operational	-	n.a.[a]	27.0	11.8	n.a.
Coordination	16.7	62.8	n.a.	22.2	77.8
General	50.0	11.0	20.8	33.3	20.0
Average	**24.7**	**41.3**	**17.5**	**21.8**	**45.9**

[a] During the years of the triennial comprehensive policy review, the report to the Council on operational activities does not contain recommendations.

9. Since 1997 the Secretariat has made recommendations on the themes for the high-level and coordination segment (see E/1997/92, E/1998/96, E/1999/91, E/2000/65 and E/2001/53). To develop the recommendations, the Secretariat requests suggestions from Member States and organizations of the United Nations system and reviews recommendations made by other intergovernmental bodies, including the General Assembly, whose resolutions occasionally contain suggestions directed to the Economic and Social Council. The recommendations about a given year's themes are acted on by the Council during the substantive session of the previous year. The selection of themes for the various segments has often been difficult, with the Council not always able to reach a decision by the end of the substantive session. When this has occurred, it was more difficult for the Division to articulate and prepare the themes adequately. It should also be noted that the criteria that are supposed to be used by the Division in recommending themes to the Council have not been established precisely.

10. The measure of performance is the extent to which the themes of the high-level and coordination segment *are adopted by the Council usually at the end of the preceding session.* In the case of high-level segment themes, the recommendations made by the Secretariat were adopted by the Council for 1999 and 2001 *at the end of sessions held in New York*, but were not adopted for 1998, 2000 or 2002 *at the end of sessions held in Geneva.* This variation may be attributed to changes in the composition of delegations, which are based on venue, and which, in turn, may have

affected the ability of the Secretariat to communicate with the delegations participating in the Geneva session.

11. With respect to the coordination segment themes, the proposals of the Secretary-General were adopted in 1999 and partially in 2000, but were not adopted for 2001 and 2002. In the case of the themes for 2002, the Secretariat proposal for the high-level segment was adopted, mutatis mutandis, for the coordination segment. In 2001, one element of the Secretary-General's proposals (on partnerships) was incorporated into the theme, which was otherwise different.

12. The finding that there were qualitative differences in sessions held at Geneva and New York was noted by members of the Bureau of the Economic and Social Council as well as by officials of the Division. They noted that much of the substantive preparation for segments in the form of panels and briefings took place in New York, involving New York-based delegates. For smaller delegations, especially from developing countries, it was difficult for New York-based delegates to participate in meetings in Geneva. Many informal understandings reached in New York had to be re-negotiated in Geneva.

13. Based on an analysis of the recommendations made by the Council in their outcome documents, it was evident that while an effort was made by the Division for Economic and Social Council Support and Coordination to prepare the substance well in advance, especially through expert group meetings and panel discussions that resulted in an outcome document, it led to conclusions and recommendations that were more substantive, detailed and forward-looking.

14. The role of the main reports of the Secretary-General for the high-level, coordination and operational activities segments was also clearly important. When they were prepared by the Division, they were more effective in framing the issue than when they were prepared by other organizational units. This was because the Division had a clearer view of the most appropriate way to present the material in a form that could be used by the Council or by the Second Committee of the General Assembly. When new ground was being covered, the importance of the report was particularly useful, as was the case with the theme of the high-level segment in 2000 on the role of information and communication technology. The utility of the reports can be enhanced if they are issued reasonably in advance of the session at which they are to be discussed. When this has happened, they have been taken into account when Member States formulate their positions.

B. Facilitate innovation and encourage high-level participation in sessions

15. During the period of the study, the use by the Economic and Social Council of panels and round tables increased, both during and prior to the substantive sessions. Many of these were suggested by the Division for Economic and Social Council Support and Coordination in response to concerns of the Bureau. The objective of the panels was primarily to assist members of delegations to become familiar with the issues.

16. By 2001, the in-session panels of the Council were beginning to be seen as vehicles for developing follow-up to the decisions of the Council. An example was the organization of an African Forum for Investment Promotion as part of the high-

level segment. The Division prepared a discussion document for the Forum based on the issues raised in the preparations for the segment and included material for the conference on financing for development.

17. Over the period being evaluated, the number of participants in the high-level segment steadily increased, while the level of representation rose, as reported in the reports of the Council. There were four speakers in 1999, all heads or senior managers of United Nations organizations, and 93 speakers in 2001, more than half of them being high-level government officials — heads of State, ministers, vice-ministers and ambassadors. The sharp increase in high-level participation during the past two years can be attributed in part to the interactive structure of the sessions, which encourages Member States to send higher-ranking participants, as well as the growing importance of the Council as a forum for policy discussion. These have been encouraged and supported by the Division, working with the Bureau and with individual Member States.

18. The convening of a joint meeting between the Council and the Bretton Woods institutions was a major innovation during the period. Held immediately after the spring meeting of the World Bank and the International Monetary Fund, as in the case of high-level segments, these meetings have also attracted participation at a senior level. The one-day meetings were originally conceived as a means for governmental representatives from different perspectives to be able to exchange information and thus influence the policy directions of their respective intergovernmental institutions. The process has evolved from presentation of statements to a more interactive event structured around round-tables, as in 2001.

19. The joint meetings do not have a formal outcome. At the first meeting in 1998, there was an effort to have a summary by the President of the Council but, in subsequent years, the only outcome document was an informal summary of discussions. The members of the Council's bureaux who were interviewed noted that this was a weakness of the process. There would either have to be a more extensive preparatory process or, alternatively, a post-meeting process to formulate the agreements. The discussion notes prepared were considered to be helpful in focusing the debate, at least for members of the Council.

20. In addition to preparing material to assist in the intergovernmental process, the Division is also responsible for codifying the resolutions and precedents that are being set by the Council's work, through input to the *Repertory of Practice of United Nations Organs*. This publication has been developed as a means of guaranteeing an institutional memory.

21. Another innovation in 2001 was to prepare a document that included the results of panels and briefings, so that these results could feed into the process of preparing the reports of the Secretary-General and in beginning a process of informal consideration by Member States of the kinds of conclusions they could and should adopt at the end of the process. The same should apply for the results of the joint meetings with the Bretton Woods institutions, as it would allow that innovative procedure to have a more direct effect on the results of the Council's deliberations particularly if the discussions were focused on the theme to be taken up by the Council.

22. While the first objective of the medium-term plan did not refer to outreach, clearly an increased outreach has been one of the innovations that took place during

the medium-term plan period. In addition to maintaining a web page for the Council, which became an important means of making information about its work available, the Division has begun issuing publications containing the detailed material that formed the basis of the Council's high-level discussions in 2000 and 2001.

23. The web site is found at http://www.un.org/esa/coordination/ecosoc/. It is organized on the basis of formal structure rather than theme (for example, it has pages on the function of the Charter of the United Nations, the President, the Bureau, the membership, documents and the Secretariat). This makes it difficult to follow substantive topics and themes in the site. In terms of determining what the Council is doing, the site is not user-friendly. Furthermore, an evaluation of the use of the site to obtain copies of the documentation showed that it was easier to use the Official Document System of the United Nations (ODS) to obtain documents. Also, many of the pages in the part of the site dealing with the Division had not been updated for 10 months and contained outdated material (e.g., the United Nations System Chief Executives Board for Coordination has replaced the Administrative Committee for Coordination).

C. Quality and timeliness of outputs

24. A review of the extent to which the reports prepared by the Division are mentioned by delegations in their interventions in the discussion, as reflected in the summary records, shows that for a large number of delegations, the Secretariat's reports were of sufficient importance that they were cited to support the Governments' positions.[5]

25. As can be seen from table 2, up to a third of the statements made by delegations referred to Secretariat reports prepared by the Division to support their position. The reports submitted for the high-level segment in 2000 appeared to have been particularly important in framing the debate. The subject of that year's segment on information and communication technology was relatively new. Similarly, the reports prepared for the coordination segment have always been important for Governments. In terms of the operation segment, it should be noted that 1998 was the year of the triennial review of operational activities, and many Governments used the Secretariat's report in formulating their interventions.

Table 2
Percentage of governmental statements in the summary records of the Economic and Social Council mentioning the relevant reports of the Secretary-General, by segment and year

Segment	*1998*	*1999*	*2000*
High-level	13	8	23
Operational	27	17	17
Coordination	31	33	26
Average	**23**	**19**	**22**

26. Interviews with members of the Bureau of the Council confirmed that the contribution of senior staff of the Division was also very helpful in framing and adopting decisions, especially in terms of providing the necessary institutional memory.

27. One of the issues that is related to the ability of intergovernmental bodies to reach decisions is whether the documents prepared by the Secretariat were issued on time. Based on the information presented in the reports to the Council on the status of documentation, it can be seen that, regarding timeliness, the best year was 1998 and the worst 2000 (table 3). It should be noted that 2000 was the year of the Millennium Assembly as well as two special sessions of the General Assembly that occurred prior to the Council's session. This delayed the preparation of documentation for all other meetings.

Table 3
Proportion of documents produced by the Division for Economic and Social Council Support and Coordination by timeliness of issuance and year
(Percentages)

Timeliness of issuance	*1998*	*1999*	*2000*	*2001*
Issued on time	46	7	14	21
Issued late but before session	46	43	7	50
Issued during session	8	50	79	29
Total number of documents	**13**	**14**	**14**	**14**

28. In some cases the documents were late because they reported on other meetings that had taken place near or after the documentation issuance deadlines. For example, in 2000, the keynote report on the theme for the high-level segment was based on a meeting of the high-level panel of experts on information and communication technology that took place in New York from 17 to 20 April 2000. In this case, although the report was issued late, the influence of the Division's report (see para. 25 above) can be attributed to delegations' participation in the April meeting. In other cases, the need to obtain comments and clearances from other organizations of the United Nations system required additional time.

D. Encourage input and follow-up by the functional commissions and other subsidiary bodies

29. One of the Council's functions is to ensure consistency between recommendations presented by the different functional commissions. The annual consolidated reports prepared since 1999 on the work of the functional commissions document the fact that the subsidiary bodies have taken action to follow up the discussions of the Council. For example, five of the eight subsidiary bodies included in the 2001 report (E/2001/95) undertook specific follow-up to the ministerial declaration on the role of information technology adopted by the Council in 2000.[6]

30. The Council session is at the apex of a series of sessions of functional commissions. There is little evidence, however, that the functional commissions

make formal contributions to the Council's discussion of crosscutting issues through resolutions or agreed texts.[7] This is due, in part, to the fact that most subsidiary bodies now work on the basis of multi-year work programmes that are decided well before the Council selects the themes for the segments in its next session.

31. The organization by the Secretariat of joint meetings of the bureaux of the functional commissions with the Bureau of the Council may help to strengthen the input of the functional commissions, if it leads to discussion of the issues with which the Council will be seized. There is evidence that this was beginning to take place in 2001. The Bureau of the Council held individual joint meetings with the bureaux of the functional commissions. The notes of the meetings show that bureau members requested and received input about the upcoming themes for the Council. However, this occurred too late for a formal input to be received from the commissions themselves. If it were possible for the Council to specify, in general terms, the broad contours of its themes on a multi-year basis, this would enable the Secretariat to be better prepared for the discussion in the Council and would facilitate input from the functional commissions and specialized agencies.

IV. Participation of the organizations of the United Nations system in the work of the Council

32. The second objective of subprogramme 28.1 is to facilitate and promote greater cooperation and collaboration among the organizations of the United Nations system active in the economic and social areas (para. 28.6 (b)). As set out in Articles 63 and 64 of the Charter, a function of the Council is to coordinate the efforts of the organizations of the United Nations system on matters falling within its competence. An important element of this is to have the organizations of the system participate actively in the Council's work.

33. Over the period under review, there has been a steady increase in the active participation of the organizations of the United Nations system at senior levels in the work of the Council, as shown in table 4. Of particular significance is the participation of senior officials in the preparatory activities for the high-level segment that helps pave the way for agreements at the session itself. The Division has worked to encourage organizations of the system to participate at a high level, including by inviting them to participate in and organize panels. *One important component of the operational activities segment has been the dialogue between Council delegations and the executive heads of the United Nations funds and programmes and with representatives of country teams (resident coordinator system).*

Table 4
Participation of senior managers of the organizations of the United Nations system in the work of the Economic and Social Council, by activity and year

Activity/participation level	*1997*	*1998*	*1999*	*2000*	*2001*
Panels in advance of the high-level segment					
Secretary-General or head of agency	-	-	1	-	6
Senior manager in the United Nations or specialized agency	-	-	2	7	17
High-level segment					
Secretary-General or head of agency	2	2	4	6	9
Senior manager in the United Nations or specialized agency	2	3	9	8	14

34. In addition to facilitating high-level participation by the organizations of the United Nations system, an objective was to assist in the development of common positions by departments within the United Nations and by the organizations of the United Nations system. The evaluation showed that this objective had been achieved during the period.

V. Common policy and procedural structure for operational activities

35. The third objective of subprogramme 28.1 is to promote and strengthen coherence and restructuring within the United Nations system in the area of operational activities for development, to improve the efficiency and effectiveness, coherence and coordination of operational activities of the system at the country level and to encourage integration with national efforts at the request of the recipient Governments (para. 28.6 (d)).

36. The Council has the responsibility for oversight of the intergovernmental bodies concerned with management of operational activities of the United Nations system. In its operational segment, policy issues are highlighted. As noted previously, a main basis for discussion is the reports on the triennial policy review of operational activities for development of the United Nations system, which are prepared, in consultation with United Nations organizations, by the Division. *During the triennial comprehensive policy review at the fifty-sixth session of the General Assembly, most delegations expressed their appreciation that the Division's report reflected the observations and comments made during the substantive session of the Council in July 2001. Based on the Division's analysis, a measure of its success is the fact that 70 per cent of the recommendations included in reports to the General Assembly in 2001 (A/56/320 and Add.1, and A/56/70-E/2001/58 and Add.1 and 2) were incorporated in General Assembly resolution 56/201 on triennial policy review of operational activities for development of the United Nations.* During the period under evaluation, the Division initiated *11 specific policy reviews, including studies on capacity-building and poverty eradication in 1999 and studies for funding operational activities for development in the United Nations system and*

simplification and harmonization of programming, operational and administrative procedures in 2000.

37. In addition to facilitating decision-making at the intergovernmental level on operational matters, the Division also seeks to ensure that the decisions taken by the intergovernmental bodies are incorporated into the operating procedures of the operational organizations. All of the funds and programmes of the United Nations are required to report on the incorporation of recommendations into their work. In the case of the United Nations Children's Fund (UNICEF), this is done in a report of the Executive Director. The view of those interviewed was that this occurred regularly.

38. One aspect of the substantive support in operational activities is to enable the Council and the General Assembly to discuss policies and procedures that will more adequately meet the needs of global development. The Division's work has allowed the system to raise issues and make proposals to the Governments through the reports submitted to the Council and the General Assembly that can inform the development of new approaches to the operational activities of the system. The Division could provide even more focused support to the operational segment if the General Assembly or the Council could specify well in advance specific themes for the segment for the years between the triennial reviews. *It should be noted that in its resolution 1998/42 the Council requested the Secretary-General, when finalizing the triennial policy review, to make recommendations on the possible themes that could be discussed at the meetings of the Council's operational segment, taking into account the necessary preparatory work for the following triennial policy review.* In contrast to the high-level and coordinating segments, the triennial time frame of the operational segment provides opportunities to conduct analytical studies on issues affecting operational activities.

VI. Mobilization of non-governmental organizations to participate in the work of the Council

39. The fourth objective of subprogramme 28.1 is to increase the Organization's capacity to serve as a focal point for the non-governmental organizations with consultative status with the Economic and Social Council and to improve coordination of activities of non-governmental organizations so as to avoid duplication and ensure complementarity and to enhance opportunities to facilitate participation of the relevant elements of civil society (para. 28.6 (c)).

40. This objective is implemented by the Non-Governmental Organization Section within the Policy Coordination Branch, whose major responsibilities are: (a) to serve as the substantive secretariat of the Committee on Non-Governmental Organizations, which includes the processing of applications from non-governmental organizations and the preparation of all required documentation for Committee meetings; and (b) acting as the focal point within the Secretariat responsible for providing advice on matters related to non-governmental organizations in consultative status with the Council.

A. Increased workload and backlog

41. There was a dramatic increase in the workload of the Section during the 1990s because of: (a) the large number of non-governmental organizations that participated in the major conferences in the 1990s and subsequently sought consultative status to follow up on the work of the conferences; and (b) Council resolution 1996/31, by which, for the first time, the Council admitted into consultative status national-level non-governmental organizations. Stimulated, in part, by the higher priority placed by the Secretary-General on a partnership with civil society and greater outreach efforts, the number of applications and letters of intent has tripled from 320 to 1,000 over the past two bienniums (1998-1999 to 2000-2001) and the total number of non-governmental organizations in consultative status — which includes three categories: general, special and roster status — has doubled over the past five years (from 1,041 in 1996 to 2,094 in 2001).

42. Since 1996, the Council has expressed in various resolutions concerns about the increased workload of the Section and has requested analysis of the problem and adequate secretariat support (resolutions 1996/31, 1997/58 and 1999/34). In response to these resolutions, the staff of the Section was increased from 9 (5 Professional and 4 General Service) in 1998-1999 to 12 posts (1 D-1, 5 Professional and 6 General Service) in the current biennium, 2002-2003. The use of volunteer services on a regular basis has also increased during this period. In addition, to cope with the workload, the time allocated to the deliberations by the Committee on Non-Governmental Organizations was increased from three weeks in 1996 to five weeks in 2000-2001.

43. Despite the fact that more than half the time of the Professional staff is devoted to the review and processing of non-governmental organization applications, since 1998, the number of applications processed by the Committee has declined (from 246 in 1998 to 89 in 2000), and the number of deferrals has increased (from 41 in 1998 to 159 in 2000). The Section reported that its current backlog was 500. The Committee's Secretary attributed the declining output to an increase in processing time as each application is reviewed more thoroughly by both the Section and the Committee. Some delegations, on the other hand, attributed the declining output to the fact that applications were being deferred on substantive grounds. OIOS was informed that the Committee had considered the following proposals to control the backlog: (a) assigning a high priority to processing the backlog; (b) establishing a processing fee; and (c) imposing a ceiling on the number of applications accepted each year by the Section.

44. The number of quadrennial reports prepared by non-governmental organizations in general and special status on their activities every four years reviewed by the Committee was: 169 in 1997, 4 in 1998, 196 in 1999 and 172 during the first part of the 2001 session. While the Section is not formally responsible for monitoring non-governmental organizations in roster status, it has taken the initiative to review the contribution of those organizations to the work of the United Nations or other bodies. Failure to submit a detailed report on its activities is the most frequently cited reason for withdrawing the consultative status of organizations. In the past decade, some 28 organizations have experienced withdrawal or suspension of their consultative status for that reason. At the present time, the Section does not rely on other sources of information besides those

provided by the non-governmental organization, such as information on the organization's participation in the work of the functional commissions.

45. New guidelines for the preparation of applications and quadrennial reports were completed in 1999 and draft guidelines for special reports were being readied for presentation to the Committee at its resumed session of 2001. The effect of those guidelines on the quality of the applications and on the review process would have to be assessed at a later time.

B. Enhancing representation and participation of non-governmental organizations

46. The Section's outreach programme was effective in achieving a more balanced representation of non-governmental organizations as requested by the Council in its resolution 1996/3. In particular, the Section has adopted the practice of offering workshops to groups of regional non-governmental organizations on how to apply for consultative status with the Council and how to make optimal use of such status once granted at major conferences. The participation of representatives of non-governmental organizations was also facilitated by the financial support offered by entities such as the Non-Governmental Liaison Service. As illustrated by the two charts below, a more balanced representation was achieved in 2001, compared with 1996.

47. The Division for Economic and Social Council Support and Coordination has encouraged enhanced participation by non-governmental organizations in Council meetings. For the first time, in 1999, the Council invited the participation of non-governmental organizations in the high-level segment. The contribution of the non-governmental organizations was taken into account in the manifesto adopted by the Council in 1999. In 2000 and 2001, non-governmental organizations were once again invited to take part in the ministerial-level deliberations and their contributions were reflected in the report of the Council. Past experience suggests that the value of the non-governmental organizations' inputs into the Council's high-level segment might be greatly enhanced if the organizations were to be involved at an early stage in development of the meeting's conceptual approach and its proposed theme. Non-governmental organizations have also expressed an interest in assuming a more active role in the follow-up to the high-level segment and the implementation of recommended action.

48. The Section has also promoted the formation of informal regional networks as a means of drawing small and isolated organizations into a system that provides information and support and the opportunity for collaborative action. It is envisaged that through these regional networks, a diverse, grass-roots-level experience will contribute to the substantive debates of the Council. Three regional network meetings have been held in Japan (2000), Brazil (2001) and Tunisia (2002).

NGOs in consultative status with ECOSOC

49. Government representatives have publicly expressed great satisfaction with the support provided by the Secretariat and have praised its leadership for taking new initiatives in improving the support to the Committee and to non-governmental organizations, particularly the formation of regional networks. Most delegations think that support to the Committee could be improved if the financial and human resources of the Section were further strengthened. Other suggestions for improvement included: more efficient utilization of meeting services by starting on time and by developing a daily schedule of work during the informal meetings preceding the beginning of the session, advising non-governmental organizations of the day when their application would be considered and, with respect to deferred applications, limiting the discussion to previously asked questions and refraining from going back to the original application. One delegation also mentioned the need for clearer and more authoritative procedural advice, which is provided by the technical secretariat, which falls under the Department of General Assembly Affairs and Conference Services. One non-governmental organization noted that the application of new technology and more service-oriented staff could contribute to more efficient operations. Both delegations and non-governmental organizations noted the valuable work performed by an informal working group of the Committee on Non-Governmental Organizations, which meets throughout the year to improve the working methods of the Committee.

VII. Conclusions and recommendations

50. The Division for Economic and Social Council Support and Coordination achieved most of its objectives during the period under consideration. In partnership with the Bureau of the Economic and Social Council, the Division's work led to a marked improvement in the functioning of the Council in many of its main functions. A reasonable proportion of the Secretariat's recommendations were incorporated into final decisions of the Council and the Division provided requested assistance in the negotiation process. The Division also facilitated innovation in the work of the Council through the introduction of panels and by holding a joint meeting between the Council and the Bretton Woods institutions. There was an increase in the number and level of government participants in the high-level segment and an increase in the number and level of participants from the United Nations system in the work of the Council. The Council has been largely successful in performing its function of acting as a bridge between the Council and the funds and programmes on operational issues and has initiated an outreach programme on the work of the Council. With respect to mobilizing non-governmental organizations to participate in the work of the Council, the Division worked to enhance the efficiency of the review process by increasing the quality of the applications; developed training workshops, which were presented in the regions and at major conferences; promoted regional networks to strengthen communication and coordination among non-governmental organizations; and achieved greater balance in the representation of non-governmental organizations from developing countries.

51. The substantive work of the Council is determined by the themes it selects for its high-level and coordination segments. The fact that Secretariat proposals have not been accepted in half of the years suggests that there is a lack of precise criteria that could be employed by the Secretariat when proposing and adopting themes for the segments.

52. **A major innovation has been the development of an increasingly structured preparatory process for the high-level and coordination segments of the Council. Based on the analysis of the most successful segments, however, it is clear that further improvements in the preparatory process can be made that would enable the segments to be even more effective. Furthermore, taking into account that the main session of the Council is held at Geneva every second year, there is a need to involve the Geneva delegations in the preparatory process.**

53. **As noted in paragraph 30 above, the Council session is at the apex of a series of sessions of functional commissions. While the functional commissions follow up the themes considered by the Council, they do not contribute to their preparation, even though in many cases their substantive responsibilities would seem to give them an important role, because most of the functional commissions work on the basis of multi-year work programmes, while the Council usually selects its theme only a year in advance. If it were possible for the Council to specify, in general terms, the broad contours of its themes on a multi-year basis, this would: (a) facilitate inputs from the functional commissions and specialized agencies; (b) allow longer-term planning of preparations, including an increasing use of expert groups and a mobilization of the policy research potential not only of the Division for Economic and Social Council Support and Coordination, the other divisions of the Department of Economic and Social Affairs, but also of the agencies of the United Nations system; and (c) allow the non-governmental organizations to focus more effectively their preparations for participation in sessions of the Council.**

54. **The large number of operational entities involved** *and their location* **makes it difficult to organize complex policy issues relating to operational activities quickly.** *In line with a 1998 Council resolution (see para. 38 above),* **to the extent that Member States could provide specific guidance on the policy issues that they would like to review, the Division's efforts to work with the funds and programmes and the relevant organizations of the system during the two intervening years of the triennial review would be facilitated.** *Strengthening inter-agency relationships through inter-agency mechanisms could also improve the quality of policy analysis on operational activities.*

55. **The work of the Council is structured around a single substantive session meeting intensively for a relatively short period. This was largely due to the assumption that the main function of the Council was to review the work of its subsidiaries and therefore sessions had to be held after the conclusion of the sessions of the subsidiaries. With the exception of the general and the operational segments, this is not a necessity. The result of the Secretariat work is also affected by whether the session is held in New York or Geneva. While the preparatory process always takes place in New York, only half of the sessions do. It is clear that some issues are more effectively discussed in Geneva, especially when they deal with issues of concern to the specialized agencies headquartered in Europe, while other issues are more effectively discussed in New York. Suggestions have been made by the Secretary-General to the General Assembly and the Council in his report on the restructuring and revitalization of the United Nations in the economic, social and related fields (A/56/77-E/2001/69) to consider alternative means of structuring the work of the Council by holding the different segments at different times. In addition to spreading out the workload, this would have the effect of allowing one segment**

to feed more effectively into others. It would also reduce the difficulty faced by delegations of having to undertake complex parallel negotiations during the short substantive session. It should be possible to hold the high-level segment at a time when its results could feed into other intergovernmental discussions.

56. **Implicit in the work of the Division is improving the outreach of the Council both to make it more visible and to ensure that the results of its work can be accessed and applied at the national level and in other forums. The most developed part of the current innovations in outreach is the web site of the Economic and Social Council. This could be improved if it were more user-friendly and oriented to an audience that is interested in the issues rather than in the workings of the Council.**

57. **The following recommendations to improve the effectiveness of the Division of Economic and Social Council Support and Coordination are based on the findings presented in part one of the report:**

Recommendation 1
Make the preparatory process for the segments of the Economic and Social Council more deliberative and more reflective

(a) In collaboration with members of the Bureau of the Council, the Division should prepare proposals of precise criteria to guide the selection of themes for the different segments of the Council that would reflect the comparative advantage held by the Council over its subsidiary bodies and other bodies of the United Nations and request the Secretariat to apply them in suggesting themes for consideration (see paras. 9-12);

(b) The preparations for high-level, coordination and operational segments should make use, especially when a theme is new and emerging or is one on which there has been limited prior consideration in intergovernmental forums, of expert groups and seminars of a duration that would permit the adoption of recommendations. The results of all panels and briefings related to any segment should be summarized and made available to the Council as official documents. Other units in the Secretariat with expertise in the matter should be involved in the preparation of the reports and the principal theme documents should be prepared by the Division (see paras. 8, 13-16 and 21);

(c) The Division should make proposals to the Bureau of the Council that the subjects of the joint meetings with the Bretton Woods institutions should be more closely related to the themes being taken up by the Council in its segments and its outcomes should be included in the documentation prepared in advance by the Secretariat. An effort should be made to reach an agreement to adopt an outcome document following the joint meeting (see paras. 18, 19 and 21);

(d) When the Council session is planned to be held at Geneva, the Division should make an effort to involve those delegations and agencies utilizing new communication techniques like teleconferencing (see paras. 10, 12 and 52).

Recommendation 2
Introduce longer-term planning in the work of the Council and establish better linkages with the functional commissions

In order to facilitate inputs by the functional commissions and enhance the ability of the Secretariat to prepare policy analysis to facilitate discussions, the Secretariat should suggest to the Council that it considers establishing an indicative multi-year work programme that could be further refined in the light of developments (see paras. 29-31 and 53).

Recommendation 3
Improve the timeliness of documentation

The technical secretariat of the Council, which falls under the Department of General Assembly Affairs and Conference Services, in consultation with the Division should provide updated forecasts to the Bureau of the Council regarding the availability of documentation from various departments for all the segments (see paras. 26-28).

Recommendation 4
Make the role of the Division more effective as a bridge between the organizations of the United Nations system and the General Assembly and the Council on operational issues

The Secretariat should recommend to the Second Committee of the General Assembly that, in reviewing the triennial report on operational activities, it could indicate those operational policy areas on which it wishes the Council to concentrate during the intervening two years (see paras. 38 and 54).

Recommendation 5
Reconsider the schedule of segment meetings of the Council

In order to facilitate the negotiation process on single themes and to spread out the workload over a longer period of time, the Secretariat, in consultation with the Bureau of the Council, other substantive departments, agencies and the Department of General Assembly Affairs and Conference Services, should prepare a proposal for the Council to consider rescheduling its segments at different parts of the year, so that delegations can focus on negotiating agreements on single themes (see para. 55).

Recommendation 6
Make the work of the Council more visible and accessible

(a) In view of its importance for the Division's work in enhancing the outreach of the Council, the Division should propose revisions to the medium-term plan to include an outreach objective and expected achievements (see paras. 22 and 56);

(b) The Division should redesign the web site of the Council to emphasize the issues with which it has dealt and will deal. The sit should be updated frequently and new developments posted as they happen (see paras. 22, 23 and 56).

Recommendation 7
Reduce the backlog of applications of non-governmental organizations and quadrennial reports

(a) The Division should develop a strategy to eliminate the backlog of non-governmental organization applications awaiting review and quadrennial

reports processing. This should include an analysis of its causes, the use of new technology and proposing to the Committee on Non-Governmental Organizations new means to control the volume of incoming applications, such as establishing a ceiling on the number of applications accepted every year (see paras. 42-44);

(b) The Secretariat should make suggestions to enhance the efficiency and working methods of the Committee on Non-Governmental Organizations, such as developing a daily schedule of work prior to the beginning of the session, advising non-governmental organizations of the date when their applications will be considered and, with respect to deferred applications, limiting the discussion to previously asked questions (see para. 49).

Part two
General Assembly and Economic and Social Council affairs

VIII. Background

58. Based on the medium-term plan for 1998-2001, as revised (A/53/6/Rev.1), the objectives of subprogramme 27.1 include: (a) the provision of authoritative advice and technical secretariat services for the General Assembly, the Economic and Social Council and their subsidiary bodies; (b) the preparation of analytical studies on rules of procedures and practice of Assembly and the Council, studies for inclusion in *Repertory of Practice of United Nations organs* and assignment of responsibilities for implementing Assembly and Council resolutions and decisions; and (c) coordinating the preparation of necessary parliamentary documentation of the Assembly and the Council and some of their subsidiary bodies and its timely issuance in accordance with the programme of work and schedule of those bodies (ibid., paras. 27.5-27.12).

59. As the present report focuses on secretariat support to intergovernmental bodies in the social and economic areas, the relevant work of the General Assembly and the Economic and Social Council Affairs Division carried out by the General Assembly Servicing and the Economic and Social Council Servicing Branches is discussed in greater detail in part two. The third unit in the Division — the Disarmament and Decolonization Organs Servicing Branch — is included in statistical tables for comparison purposes. The General Assembly Affairs Servicing Branch, which services the plenary of the General Assembly, the President of the General Assembly and the General Committee, is included in the analysis because the plenary deals directly with certain social and economic matters that have not been assigned to the Second and Third Committees and makes final decisions on recommendations made by those two Main Committees.

60. OIOS conducted an inspection of the consolidation of technical support services in the Department of General Assembly Affairs and Conference Services and issued a report on 23 February 2001 (A/55/803). The report found that the consolidation of technical secretariat in one department had enhanced the efficiency of services provided to Member States and had led to improvements in: (a) planning in the allocation of services and facilities; (b) scheduling of meetings; and (c) document processing. The present report follows up on implementation of some of the recommendations of the inspection report relevant to subprogramme 27.1.

IX. Provision of technical secretariat services

61. The major function of the General Assembly and the Economic and Social Council Affairs Division is to provide technical secretariat services derived from the objectives of the medium-term plan mentioned in paragraph 58 above. The two branches of the Division that are the focus of the study (General Assembly Servicing and Economic and Social Council Servicing Branches) provide technical services for the General Assembly, the Second and Third Committees, the Economic and Social Council and its subsidiary bodies — regular, special and emergency special sessions — and the major conferences. They have the additional responsibility for organizing elections to membership in principal organs, subsidiary organs and other bodies. In addition, the branches prepare analytical studies at the request of intergovernmental bodies.

62. In contrast to these arrangements for technical servicing, the arrangements for providing substantive servicing to the intergovernmental bodies are less structured and more dispersed among a large number of substantive departments whose major responsibility is to draft the reports mandated by the various intergovernmental bodies and provide assistance during the negotiations on resolutions and decisions. For example, substantive support to the Third Committee is usually provided by the organizational entities most concerned with the subject covered by each agenda item: the Division for Social Policy and Development, the Division for the Advancement of Women, the Office for Drug Control and Crime Prevention, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights. At the request of the Presidents of the General Assembly and the Council and the chairpersons of intergovernmental bodies, substantive departments may assist the bureaux and provide advice on drafting resolutions. The specific responsibilities of substantive secretariats in providing such assistance have been clarified in a note by the Secretary-General (E/2001/INF/3).

A. Support to the plenary and the Second and Third Committees of the General Assembly

63. Support to the General Assembly and the Main Committees must be assessed against the backdrop of resolutions 47/233, 48/264 and 55/285 aimed at revitalizing the work of the General Assembly. The views and experience of the Presidents of the General Assembly at its forty-ninth, fiftieth and fifty-first sessions were included in a progress report on the revitalization of the General Assembly requested in its resolution 48/264 (A/52/856, para. 4).

64. On 7 September 2001, in resolution 55/285, the General Assembly recommended that the rationalization and streamlining of agenda items of the General Assembly should continue in order to enable the Assembly to focus its work on priority issues. It recommended the following: (a) the clustering of all cooperation items under one item entitled "Cooperation between the United Nations and regional and other organizations" and individual cooperation items would become sub-items of that item; (b) the biennialization of several items, including the one on cooperation; (c) that the secretariat of the Assembly, in consultation with the substantive departments of the Secretariat, should look for synergies and integration of reports; (d) adequate support should be made available to the Office of the

President in substantive areas of its work; (e) the need to enhance the use of modern and information technology within the United Nations, including in the process of negotiations within the Organization; and (f) request for proposals on introducing a system to read paper ballots electronically.

65. Several interviews were conducted with the Office of the President of the General Assembly for the fifty-fifth and fifty-sixth sessions. The first interview conducted by the OIOS inspection team in 2000 indicated that the Department of General Assembly Affairs and Conference Services had provided excellent and prompt technical support, organizational meetings were constructive and the secretariats had taken initiative in foreseeing problems but that improvements in servicing the President's office could be effected, for example, in providing the office with core Professional staff who could provide continuity in the proper substantive and technical servicing of the office (A/55/803, para. 37). During the second interview, at the end of 2001, conducted in preparation for the present report, the OIOS evaluation team was informed that while there was satisfaction with the assistance and advice provided on the day-to-day conduct of meetings, the performance of the General Assembly and the Economic and Social Council Affairs Division was found wanting in suggesting solutions and supporting the President's efforts to streamline and restructure the agenda of work of the Assembly — a priority of the President at the fifty-fifth session. It was also mentioned that implementation of Assembly resolutions on the need for new technology was lagging. The Division was perceived more as a defender of traditions and past practices than as a catalyst for change and innovation. The interview clarified that the intent behind paragraph 22 of the annex to resolution 55/285 requesting "adequate support" for the office of the President was to obtain two additional Professional staff members who could provide substantive support, continuity and coordination with substantive departments. OIOS was informed that this provision of resolution 55/285 was the subject of further consultation among Member States.

66. During a subsequent interview with the office of the President of the General Assembly at the fifty-sixth session, the evaluation team was informed that implementation of clustering the agenda items on cooperation had resulted in efficiencies. In order to facilitate access to the office of the President and the General Committee, the office of the President recommended that the name of the President of the General Assembly and the composition of the General Committee be included in the annex to the publication *Permanent Missions to the United Nations*, which is issued by the Executive Office of the Secretary-General.

67. The results of a survey of Member States administered by the OIOS inspection team in February 2001 (see para. 60 above) indicated that 98 per cent of respondents were either "fully satisfied" or "satisfied" with the technical support services provided by the Department of General Assembly Affairs and Conference Services to the General Assembly plenary. Ratings by Member States on technical secretariat services provided to the plenary and Main Committees are presented in table 5 below. An analysis of the open-ended comments provided by the Member States in the same OIOS inspection indicated that the most frequently mentioned concerns were the following: (a) timely submission of parliamentary documentation (discussed below); (b) the quality of translation; and (c) technology and computer support for drafting resolutions.

Table 5
Rating of technical support services by delegations attending meetings of the General Assembly (survey 2000)

(Percentages)

	Plenary	*First Committee*	*Second Committee*	*Third Committee*	*Fourth Committee*
Fully satisfied	30	30	27	29	25
Satisfied	68	58	64	68	61
Fairly satisfied	2	12	9	3	14
Not satisfied	0	0	0	0	0

Source: A/55/803, annex I.

68. In-depth interviews conducted with bureau members of the Second and Third Committees further confirmed satisfaction with the level of services provided. In particular, Third Committee bureau members were most satisfied with the Secretary's organizational skills and her responsiveness in providing information to bureau members and scheduling informal meetings. They noted however, that the timeliness of support in drafting texts and proposals for action by the Committee ought to be improved. The Secretariat's most helpful contribution to the Second Committee was in the arrangements for "informal informals" (up to 16 meetings per day) and for posting the information in the *Journal of the United Nations*. As most resolutions in the Second Committee are adopted by consensus and rarely by a vote, informal consultations are considered to be very important instruments that allow delegations to find common consensus. Action is taken by the Committee when there are a number of texts from the vice-chairperson that are ready for adoption and delegations are alerted by the Secretary well in advance.

69. The Secretaries of the Second and Third Committees considered that the primary responsibility for implementing General Assembly resolutions concerning streamlining the work of the Committees rested with delegations. However, they recognized that they had a responsibility to remind delegations of the need to exercise discipline in requesting new reports and to try to identify and limit deviations from the established biennial and triennial programme of work. They also focused their attention on the financial implications of resolutions and the requests for reports contained therein and sent immediately all draft resolutions to the substantive departments and to the Budget Division for their views.

70. In order to ensure a smooth functioning of the Committees, it is essential that the technical secretariat and substantive departments cooperate and coordinate closely with respect to the following: (a) planning the programme of work and the number of meetings required; (b) determining dates of submission of documents that are essential to the consideration of the agenda items; and (c) determining dates when the item relating to the work of a particular department will be discussed and when the assistance of a substantive department will be needed for drafting a resolution at the chair's request.

B. Support to the Economic and Social Council and its subsidiary bodies

71. Apart from servicing the Second and Third Committees, the Economic and S ial Council Servicing Branch of the Division provides technical services to the Economic and Social Council and its subsidiary bodies that meet at Headquarters, ad hoc bodies and special conferences dealing with economic, social and related matters. It should be noted that the planning, forecasting, editing and monitoring of documentation in the economic, social and related fields are undertaken by the Documentation Programming and Monitoring Unit, while the analysis of resolutions and decisions and coordinating assignment of responsibility for Economic and Social Council resolutions and decisions is the responsibility of the Under-Secretary-General for Economic and Social Affairs. This document is usually issued during the first week of March of the following year, some seven months after the end of the substantive session of the Council. This gap, which may delay the preparation of documents, could not be fully justified.

72. Three Bureau members of the Council whose assessment of the work of the technical secretariat was requested expressed positive views: all three agreed that servicing was efficient, prompt and fast. One Bureau member stated that the Secretariat had been proactive and responsive and the documentation was on time while another stated that the planning of meetings could be improved through better communication with the Bureau, including information on the status of documentation. As was noted in part one of the present report (para. 27 and table 3), a study of the reports on the status of documentation presented to the Council showed that for most years the documentation was issued prior to the substantive session, although a small proportion was issued prior to the six weeks deadline.

73. The evaluation team noted the existence of a manual prepared by the Economic and Social Council Servicing Branch in 1997 for the secretaries of the committees and bodies of the United Nations in the economic and social field. The manual addresses the concerns raised in the OIOS 2001 report which recommended that the Department of General Assembly Affairs and Conference Services prepare operational guidelines for its respective areas of work to safeguard institutional memory and for the sake of efficient management. The manual has been useful to the Economic and Social Council Servicing Branch staff. No similar document for the other branches of the Division exists. Regarding the work of the Fourth Committee and the technical secretariat's servicing of the Committee, a Bureau member suggested that briefings on background information should be organized for the Committee at the beginning of each session and that a manual describing practices and precedents on rules of procedures be drafted to serve as reference to future bureaux and secretaries.

C. Utilization of conference servicing resources by the plenary and Main Committees of the General Assembly

74. While it is recognized that bureaux and delegations have an influence on the efficient use of meeting resources, the role of the technical secretariat in ensuring that meeting services are efficiently utilized is undeniable. In that connection, meeting statistics on utilization and planning accuracy factors can provide a partial

indicator of the performance of the technical secretariats. These measures of efficiency are regularly reviewed by the Committee on Conferences. There is a utilization benchmark of 80 per cent, but there is no benchmark for the planning accuracy factor. The Chair of the Committee on Conferences holds meetings with the chair of committees who have consistently — for the past three years — fallen below the utilization factor. The chair of other committees who have not met the benchmark one year or one session receives letters. All secretariats are requested to bring utilization statistics to the attention of their bureaux and committees at large. Table 6 contains meeting statistics of the plenary and the Main Committees of the General Assembly serviced by the Bureau for the fifty-first and fifty-fifth sessions. It indicates that the utilization factor of the Main Committees at the fifty-fifth session was below the benchmark and was lower than at the fifty-first session. With the exception of the Special Political and Decolonization Committee (Fourth Committee), the planning accuracy factor had also declined for the Main Committees and for the plenary over this period. Therefore, the technical secretariat should work closely with the bureaux of their respective committee to improve meeting resources' utilization.

Table 6
Meeting statistics for the plenary and Main Committees of the General Assembly

Intergovernmental bodies	*Planning accuracy factor*[a]	*Utilization factor*[b]
General Assembly, Plenary		
Fifty-fifth session	49	87
Fifty-first session	68	80
First Committee		
Fifty-fifth session	62	73
Fifty-first session	82	82
Special Political and Decolonization Committee (Fourth Committee)		
Fifty-fifth session	59	62
Fifty-first session	53	76
Second Committee		
Fifty-fifth session	62	73
Fifty-first session	80	82
Third Committee		
Fifty-fifth session	75	66
Fifty-first session	89	81
Sixth Committee		
Fifty-fifth session	86	78
Fifty-first session	83	93

Source: A/AC.172/2001/3 and A/AC.172/1997/3.

[a] Calculated as meetings planned, minus additional meetings, minus cancellations, all as a percentage of meetings planned.

[b] Percentage of available conference resources actually used by the organ in question.

X. Timely submission of parliamentary documentation

75. The General Assembly Servicing Branch is responsible for the preparation of pre-session parliamentary documentation such as the preliminary list of agenda items, provisional and final agendas, the supplementary list of items, and the memorandum of the Secretary-General on the organization of work of the Assembly. The three servicing Branches in the General Assembly and Economic and Social Council Affairs Division are responsible for the duly authorized submission of draft resolutions and decisions adopted by the General Assembly, the Economic and Social Council and their subsidiary bodies. While the substantive departments are responsible for the preparation of substantive pre-session documentation, the Division is responsible for coordinating the submission of these documents.

76. Late issuance of parliamentary documentation, in particular pre-session documents, is a long-standing issue that the General Assembly has pressed for ways to resolve. In its resolution 47/202, the Assembly urged the substantive departments to comply with the rule requiring submission of pre-session documents to the Department of General Assembly Affairs and Conference Services at least 10 weeks before sessions in order to allow adequate time for processing in all languages. For the past five sessions the General Assembly has adopted various resolutions dealing with related issues. In paragraph 4 of section III of its resolution 55/222, the General Assembly invited intergovernmental bodies, before the commencement of the substantive work, to review with author departments the question of availability of documentation for the proper functioning of those bodies and to report thereon to the Assembly at its fifty-sixth session through the Committee on Conferences. In response, the Chairman of the Committee on Conferences sent a letter to the chairpersons of intergovernmental bodies and an interim report of the Secretary-General, including summaries of the replies received, was issued. For example, the chairpersons of the Second and Third Committees stated that before each session, reports on the status of documentation were circulated and taken into account when preparing the organization of work (see A/56/299, annex II).

A. Improvements in monitoring and accountability

77. The 2001 OIOS report (see para. 60 above) found that while the Department of General Assembly Affairs and Conference Services had made efforts to improve the situation through rationalizing the scheduling of meetings of intergovernmental bodies and the creation of the new Documentation Programming and Monitoring Unit, the author departments by submitting their reports after the deadline bore the major responsibility for the delays in issuing the documentation. The Unit convenes "plenary" focal point meetings two or three times a year to reiterate the requirements outlined by the General Assembly (A/55/803, para. 14). The OIOS report recommended that the Under-Secretary-General for General Assembly Affairs and Conference Services should initiate in the senior management group a discussion on the need for departments to enforce compliance with document submission requirements, underscoring the cost to the Secretariat and Member States of delayed documentation (A/55/803, para. 65). As a follow-up to this recommendation, the Under-Secretary-General for General Assembly Affairs and Conference Services sent a letter in early 2001 to the Secretary of the senior management group to include this topic in the agenda of the group. In early 2002,

this topic had not yet been incorporated. As an additional step, the Under-Secretary-General sent a letter to all heads of departments, funds and programmes reminding them of the documents submission requirements.

78. In response to resolution 54/248, in which the General Assembly stated that if a report was submitted late to conference services, the reasons therefore should be included in a footnote to the document, the Department of General Assembly Affairs and Conference Services in a memorandum dated 27 January 2000, reminded the focal points of author departments of the importance of implementing that instruction for documents submitted during the fifty-fifth session (see A/55/803, para. 15). However, compliance has been less than satisfactory, as approximately half of the late submissions did not carry footnotes provided by the author departments (see A/56/300, para. 7). Among the reasons given for late submission were the need to include more up-to-date information or developments, the need for lengthy consultations before preparation of reports, late receipt of inputs from Member States and/or other departments/agencies and the fact that events reported on were scheduled too close to the session of the General Assembly (ibid., para. 8). As table 7 indicates, the timeliness of submission has declined for General Assembly documents. OIOS noted that the Documentation Programming and Monitoring Unit felt that it did not have the authority to ensure departments' compliance with the above resolutions on the need for footnotes explaining delays in submission of documentation. However, the Under-Secretary-General for General Assembly Affairs and Conference Services should make further effort to ensure compliance, as this information would assist the Department in analysing, in consultation with the author departments, the deep causes of the delays as recommended by the Committee on Conferences.

Table 7
Timeliness of submission of General Assembly documents, 1999-2001

	1999	*2000*	*2001*
General Assembly documents			
Percentage late	68	83	71
Average lateness (days)	60	65	74

Source: Documentation Programming and Monitoring Unit statistics.

79. Internal monthly statistics provided by the Department of General Assembly Affairs and Conference Services for the past four years on the submission and issuance of pages of documents tend to support the Department's contention that its processing of documents is keeping pace with their submission. However, as the Department was unable to provide statistics on throughput time for the 20 per cent of documents that were submitted in timely fashion, OIOS was unable to determine the frequency of delays caused by the internal processing. *In its comments to an earlier draft of this report, the Department stated that delays in issuing timely submission are scheduling decisions made on the basis of more pressing priorities and that the Department is not to blame for these.*

B. Other proposals of the Department of General Assembly Affairs and Conference Services for improving timeliness

80. Over the past three bienniums, the Department has submitted various proposals for consideration by the Committee on Conferences and the General Assembly aimed at improving the timeliness of issuance of parliamentary documentation. One of the earlier proposals was to change the six-week rule itself, which would have allowed the submission of documents for processing on a staggered basis (A/49/531).

81. At the fifty-sixth session, the Department resubmitted proposals which it had submitted to the General Assembly at its fifty-fifth session (A/AC.172/2000/6 and A/56/300). These included: (a) late submission could be processed by rescheduling the processing of other documents submitted by that same body in order to minimize the negative impact of late submission by an author department on the work of other organs; (b) intergovernmental organs should review their reporting cycles with a view either to changing their reporting period in order to allow for adequate time for the drafting of their report or to introducing periodicity in the form of quarterly or bi-annual instead of annual reports; (c) author substantive departments should be authorized to prepare reports with an earlier cut-off date, with the possibility of including additional information, if necessary, in addenda to the parent document; and (d) servicing secretariats and bureaux of intergovernmental bodies should adjust their programme of work by delaying or postponing consideration of related items or documents, a practice which is already followed by some bodies. *In resolution 56/242*, the General Assembly approved the above proposals with the exception of (d) on adjusting the programme of work. The evaluation team believes that the Department should review the implications of these proposals for the intergovernmental bodies and substantive departments concerned and present different implementation options to these bodies and departments.

XI. Conclusions and recommendations

82. **The General Assembly and Economic and Social Council Affairs Division has performed efficiently and effectively during a period of structural transition in providing technical secretariat services to intergovernmental bodies. While some delegations support the views expressed by the Division's staff that the major responsibility for revitalizing the work of the General Assembly and the Main Committees lies with Member States, at the same time they expressed the need for a more proactive role by the Secretariat in providing advice and ideas for further streamlining the agenda of the plenary and the Main Committees, for example in providing advice on clustering similar items together and in promoting the introduction of technological innovation. Some delegations also stated the importance for technical secretaries to have a better mastery of the rules of procedure of their respective committee, which would enable them to provide more authoritative advice when the need arises.**

83. **The most recurrent complaints by bureau members of Main Committees and delegations was the late issuance of documentation, which according to them diminished their ability to deal effectively with the issues before them by**

denying them time to consult with the relevant ministries in their respective capitals. Availability of documentation is one of the key factors considered by the technical secretariat in organizing the agenda of work of the Main Committees. As stated in the present report, the Department of General Assembly Affairs and Conference Services has undertaken numerous efforts to address the problem of late submission of documentation and made thorough, innovative proposals. It established a new unit and holds regular meetings with focal points in author departments and provides regular and special reports on the status of documentation by author departments. Despite these measures, approximately two thirds of all General Assembly documents are submitted after the 10-week deadline and the average lateness is over two months. It was noted that the letter following up on Economic and Social Council resolutions and decisions is issued some seven months after the end of the substantive session in July of each year *by the Department of Economic and Social Affairs.* **This letter could be issued more expeditiously to author departments to further improve the submission of Council documentation.**

84. **The General Assembly has endorsed most of the proposals submitted by the Department of General Assembly Affairs and Conference Services to improve the timeliness of documentation and recommended that more effective systems of responsibility and accountability be developed. The Committee on Conferences has encouraged the Department to proceed with a "more extensive analysis of the reasons for late issuance of documentation".** *In its comments on an earlier draft of the present report the Department stated that the report supported the notion that the six-week rule was unrealistic and not very practical when applied across the board and that the rule should allow for greater flexibility.*

85. **The following recommendations to improve the effectiveness of the General Assembly and Economic and Social Council Affairs Division are based on the findings in part two of the present report:**

Recommendation 1
Provision of advice and support provided by technical secretariats

(a) The Division of General Assembly and Economic and Social Council Affairs should provide advice to the office of the President on how to implement provisions of General Assembly resolutions on revitalization, particularly in relation to the grouping and scheduling of agenda items and reports strengthening the office of the President and ensuring that the Department of Management develops proposals for reading paper ballots electronically (see paras. 63-65);

(b) In consultation with substantive departments, the technical secretaries of the Main Committees should submit proposals to the respective bureaux for their consideration, in which reports could be integrated and which resolutions could be biennialized (see paras. 63-65 and 69);

(c) The technical secretaries should consult with bureau members and government representatives about the need for computer support for drafting texts during negotiations and ensure that such support is made available (see paras. 67, 68 and 70);

(d) The internal manual prepared by the Economic and Social Council Servicing Branch should be updated with guidelines to cover practices and procedures that are ambiguous or may require interpretation, as needed, by the subsidiary organs of the Council; similar manuals should be developed for the other branches of the Division (see paras. 49 and 73).

Recommendation 2
Improved resource utilization

At the organizational session of their respective intergovernmental body, technical secretaries should discuss with the chairs meeting statistics for the previous session and means of improving resource utilization (see para. 74).

Recommendation 3
Improved support provided by substantive secretariats

To facilitate access to information by bureau members of intergovernmental bodies, substantive secretariats should organize briefings on key reports highlighting policy implications of analysis presented. Secretariat assistance to delegations in drafting proposals for texts at delegations' request should be provided in full compliance with the relevant rules of procedures. The practical implications regarding such assistance should be clarified at the organizational session and communicated to the relevant substantive secretariats by the technical secretariat immediately after the organizational session (see paras. 62 and 68).

Recommendation 4
Timely issuance of documentation

(a) The Department of General Assembly Affairs and Conference Services should further explore reasons for lateness in submitting documentation by distinguishing for example between delays that are caused by the Department's dependency on the reports of other United Nations or external bodies, and those that could have been avoided through better planning of resources and accountability. In the case of the small proportion of documents that are submitted before deadlines, the Department should also be able to account for delays caused by the reshuffling of priorities or processing. The Department should formulate a plan to eliminate delays in the issuance of documentation caused by decisions that are under the control of the Secretariat (see paras. 75-81);

(b) Notification of responsibilities for implementation of recommendations should be made as expeditiously as possible at the end of each main and resumed session of the Economic and Social Council and the General Assembly (see para. 71).

Recommendation 5
Review by the Committee on Conferences

The present report, and the conclusions and recommendations of the Committee for Programme and Coordination thereon, should be submitted to the Committee on Conferences at its meeting in 2002.

(*Signed*) Dileep Nair
Under-Secretary-General for Internal Oversight Services

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 16* (A/55/16).

[2] Ibid., *Fifty-third Session, Supplement No. 6* (A/53/6/Rev.1).

[3] Ibid., para. 28.6.

[4] Ibid., *Fifty-fifth Session, Supplement No. 6* (A/55/6/Rev.1).

[5] The summary records for 2001 were not yet issued when the analysis was completed and have not been included for that reason.

[6] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 3* (A/55/3/Rev.1), chap. III, para. 17.

[7] Regional commissions made a formal input into the discussions of the high-level segment in 2000 on information and communication technology.

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Item 4 (c) of the provisional agenda*
Programme questions: evaluation

In-depth evaluation of legal affairs**

Note by the Secretary-General

In conformity with General Assembly resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999, the Secretary-General has the honour to transmit herewith the report of the Office of Internal Oversight Services on the in-depth evaluation of legal affairs. The report has been reviewed by the relevant departments and offices. The Secretary-General takes note of its findings and concurs with its recommendations.

* E/AC.51/2002/1.
** The submission of the present report was delayed in order to review comments received from users of services of the Office of Legal Affairs, both within and outside the Secretariat.

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Report of the Office of Internal Oversight Services on the in-depth evaluation of legal affairs

Summary

The present report reviews the work of the programme, Legal affairs, its main achievements during the past decade, with a focus on the last medium-term plan period, 1998-2001, and current programme implementation issues. The main objectives of the programme implemented by the Office of Legal Affairs (OLA) are to provide a unified central legal service for the Secretariat and organs of the United Nations and to strengthen respect within the United Nations for the rule of law in international relations. The main findings of the in-depth evaluation are presented in section II, Central legal services, and in section III, Substantive Secretariat services and treaty matters. OLA activities in the domain of ocean affairs and the law of the sea will be the subject of a separate report submitted to the Committee for Programme and Coordination in 2003, at its forty-third session.

OLA plays a major role in upholding the privileges and immunities of the Organization and providing competent secretariat support to United Nations bodies and has been generally effective in ensuring respect within the United Nations for the rule of law. However, this function has sometimes been difficult to reconcile with the search for solutions to facilitate implementation of substantive programmes, in particular when policy is developing faster than the legal framework.

During the 1990s, several circumstances, including the multiplication of peacekeeping operations and the reforms of procurement and human resources management, significantly increased the workload of OLA. To help maintain the quality and timeliness of legal services, corrective measures were put in place since 1996. Measures were also taken to address the long-standing problem of delays in the publication of legal material. Improvements can be observed in the timeliness of services and availability of information. Additional measures are needed to consolidate these improvements and maintain the quality of the central legal services provided by OLA.

In section IV of the present report, recommendations are made to enhance OLA delivery of legal assistance by taking steps such as clarifying the legal implications of new policies, using fast-track procedures and outposting Office staff as needed. It is recommended that legal information be made available more widely to personnel involved in the management of programmes and that additional direct support be provided to peacekeeping missions. The prevention of legal difficulties, in particular in the area of procurement, requires that present efforts be sustained. A number of measures are recommended such as more systematic identification, at the planning stage, of higher-risk procurement actions for early assistance from OLA and making alternative dispute resolution mechanisms mandatory. Maintaining the progress achieved in the reduction of the backlog of the publications will require sustained attention. In the field of international trade law, OLA should strengthen its coordinating role with respect to other active organizations, increase its law reform efforts to ensure wider participation in international trade conventions and model laws and take the necessary steps to face an ever-increasing programme of work in response to the growing importance of, and increased demand for, international trade law.

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I. Introduction

1. At its fortieth session, the Committee for Programme and Coordination recommended that an in-depth evaluation of legal affairs be prepared for its consideration in 2002.

2. The in-depth evaluation reviewed five of the six subprogrammes that constitute the legal affairs programme, implemented by the Office of Legal Affairs (OLA). Section II of the present report provides the evaluation findings related to subprogrammes 1 and 2, entitled, respectively: Overall direction, management and coordination of legal advice and services provided to the United Nations as a whole; and General legal services provided to United Nations organs and programmes. Section III of the report provides the findings related to subprogrammes 3, 5 and 6, entitled, respectively: Progressive development and codification of international law; Progressive harmonization and unification of the law of international trade; and Custody, registration and publication of treaties. The in-depth evaluation of subprogramme 4, Law of the sea and ocean affairs, will be prepared for consideration by the Committee in 2003, as requested (A/56/16, para. 407).

3. In the conduct of the in-depth evaluation, the Office of Internal Oversight Services (OIOS) utilized the following categories of information: (a) United Nations documents; (b) information from OLA internal administrative and working documents, including assessments and self-evaluations; (c) internal audit reports and reports of the Board of Auditors and the Joint Inspection Unit; (d) consultations with a number of government representatives, in New York and Vienna, as well as with members of the International Law Commission, OLA staff, staff of other Secretariat departments and offices, organizations of the United Nations system and relevant intergovernmental and non-governmental organizations; (e) evaluation surveys of the United Nations depository libraries and of former participants in the Fellowship Programme in International Law and the Geneva Law Seminar; (f) content analysis of professional law journals and governmental and commercial web-base data collections.

II. Central legal services

4. One of the main objectives of the Legal affairs programme is to provide a unified central legal service for the Secretariat and the organs of the United Nations. Until 1979, this service was assumed by the General Legal Division (GLD). In 1980, OLA was reorganized and a number of functions related to the privileges and immunities of the United Nations, the rules and procedures of United Nations organs and legal aspects of political and peacekeeping operations were transferred from GLD to the Office of the Legal Counsel (OLC). The expertise of OLC and GLD is, in several domains, complementary. For example, GLD retains responsibility for legal issues relating to operational aspects of peacekeeping operations.

A. Overall direction, management and coordination of legal advice and services provided to the United Nations as a whole

5. Subprogramme 1, Overall direction, management and coordination of legal advice and services provided to the United Nations as a whole, is developed around the main functions mentioned in paragraph 4 above and is implemented by OLC. During the medium-term plan period 1998-2001, it was expected that OLC would "enhance the effectiveness of the principal and subsidiary organs of the United Nations" and missions "by ensuring that their work is carried out in accordance with the Charter" and other relevant instruments and decisions (A/53/6/Rev.1, para. 4.11). The main activities of OLC are reviewed in the present report according to the medium-term plan priorities for the period. Issues related to the preparation of the *Repertory of Practice of United Nations Organs* are reviewed below (see para. 54).

1. Interpretation and application of the Charter of the United Nations and other instruments

6. Advice is provided by OLC at the request of the organs or their presiding officers on issues of interpretation and application of the Charter, the resolutions and regulations of the United Nations and other legal instruments. Responses are needed to facilitate the ongoing work of the organs. The advice requested from OLC is frequently expected in a matter of days, "as soon as possible" or "within the current session" of the organ. In the sample of cases reviewed by OIOS, the advice was provided in the time frame expected. It is recalled that, in principle, advisory opinions of the International Court of Justice can also

be requested by the authorized organs, "from time to time", to review important points of law within the jurisdiction of the Court that arise in their activities, "and involve questions of principles" (see General Assembly resolution 171 (II) A).

7. **Support to the maintenance of peace and security**: One specific objective for the plan period was to sustain the evolution of legal arrangements related to international peace and security. In this domain, the main instruments of relevance to OLC are the status-of-forces agreements and status-of-mission agreements. As requested in 1989 by the General Assembly, OLC prepared a draft model status-of-forces agreement, in the preparation of which it benefited from the experience gained at previous missions. OLC revised the model status-of-forces agreement several times to take into account major changes in the way missions are deployed and new concerns of the international community. For example, to accommodate the Organization's shift to reliance on commercial providers since the early 1990s, new provisions were introduced in the model agreement so that host countries provide vendors with the facilities required for the proper performance of services. In the mid-1990s, it also became necessary to clarify the principles and rules of international humanitarian law applicable to United Nations forces. In collaboration with the International Committee of the Red Cross (ICRC), OLC elaborated rules on the subject, issued in 1999 as a Secretary-General's bulletin. The revised model status-of-forces agreement recalls these principles in reference to the international instruments that apply. Officers involved in the establishment of peacekeeping missions told OIOS that they found the contribution of OLA very helpful. However, in the light of the experience in dangerous missions, the status-of-forces agreement could be made more explicit in its elaboration of procedures for the prosecution of persons responsible for injury or death of peacekeepers. This would be in line with General Assembly resolutions on the security of mission personnel. *OLA began inserting related provisions in the agreements.*

2. Advice on constitutional, procedural and credential matters

8. OLC prepares the draft rules of procedures and advises United Nations organs and conferences on the conduct of business, and its advice is frequently requested on matters of membership, representation and elections of the organs. In addition, the Office provides secretariat services to the Credentials Committee and is responsible for liaison with the International Court of Justice as well as discharging the legal responsibilities of the Secretary-General under the Statute of the Court. Requests for advice regarding these matters are frequent and since they can draw on well-established principles and past practice, OLC responses tend to be brief and authoritative. Procedural advice and factual information on legal matters is provided to a wide range of requestors, in writing and orally, by e-mail and during meetings and consultations. Regarding the legal assistance needed to prepare and conduct conferences, officers in substantive departments stated to OIOS that OLC staff gave advice in a timely fashion. Substantive departments appreciate the high degree of consistency and reliability of the decisions and advice provided by OLC. When new issues arise in the preparation of meetings and conferences, OLC staff participate, as needed, in informal consultations with the Member States involved.

3. War crimes and crimes against humanity

9. **Operations of the international tribunals**: The International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda were created in 1993 and 1994, respectively, by statutes adopted by the Security Council. OLC provided substantive support for the drafting of the statutes and for the development of the rules of procedures and evidence of the international tribunals. While the prosecutorial and judicial functions of the tribunals are independent of the Secretary-General, the United Nations administrative regulations and rules apply to them. In 1997, OIOS reported administrative, leadership and operational problems at the International Criminal Tribunal for Rwanda and recalled the general responsibility of the Department of Management and OLA to make practical arrangements for the effective functioning of the Tribunal. A year later, OIOS noted improvements and, in particular, the steps taken by OLA to assist the Tribunal. OLC routinely provides legal advice to the tribunals on various aspects of their operations, including advice on their agreements with Member States such as headquarters agreements, agreements for enforcement of sentences and agreements for protection of witnesses and personnel. It also provides substantive support to the Security Council when requests for amendments of the statutes of the tribunals are submitted to the Council. In

addition, OLC provides advice to the Department of Peacekeeping Operations and other Secretariat entities on requests and subpoenas for documents, records, information and witnesses to testify before the international tribunals. OLC has established principles and mechanisms that make access to required information less time-consuming. These procedures currently meet the needs of the prosecutors and defence counsel.

10. It is considered that the establishment of the international tribunals cannot be seen in isolation from the work on the establishment of an international criminal court, which "would obviate the need for setting up ad hoc tribunals for particular crimes, thereby ensuring stability and consistency in international criminal jurisdiction" (A/50/22, para. 12).

11. **Other initiatives**: In 2000, at the request of the Security Council, the Secretariat initiated negotiations to conclude an agreement with the Government of Sierra Leone for the establishment of an independent special court with a purpose comparable to those of the international tribunals for the former Yugoslavia and Rwanda. OLC prepared a draft agreement and a draft statute for the court. The special court for Sierra Leone is to take the form of a mixed tribunal, with international and national judges, constituted under an agreement between the United Nations and the Government of Sierra Leone, signed on 16 January 2002. This status created difficulties to provide a stable funding for the tribunal, as other Member States are not parties to the agreement. Although the Secretariat is directly responsible, with the national Government, for an effective implementation of the agreement, no additional resources were allocated to OLA for this task. OLC played also a central role in the discussions between the United Nations and the Government of Cambodia on the establishment of a special court to prosecute leaders of the Khmer Rouge.

4. Relations with host Governments

12. The Office of the Legal Counsel provides legal assistance on matters of privileges and immunities of the Organization and relations with Member States and other legal entities. An important aspect of this assistance is the preparation of agreements and other legal instruments regulating these relations, including basic assistance and cooperation agreements used by the funds and programmes. Agreements routinely raise issues within the competence of the General Legal Division (GLD) of OLA and are assigned to the Division for review. The funds and programmes interviewed by OIOS are generally satisfied with the assistance provided by OLC. As for the Secretariat, officers in several departments stated to OIOS that, although in most instances OLC reviews draft host country agreements submitted for comments in a week or two, there are cases when comments are transmitted after a month or more. As the departments sometimes operate on a tight schedule, comments may reach them after they were needed. These officers attempt to draft legally sound agreements but there is no "reference collection" of previous agreements that could be used as models. It is also noted that the administrative instruction that provides guidance on drafting such documents has not been revised since 1987.

13. **Peacekeeping operations and good offices missions**: Status-of-forces and status-of-mission agreements are designed to facilitate the deployment of mission personnel and equipment. OLC supports the negotiations for the conclusion of a status-of-forces or a status-of-mission agreement with a host country as soon as a Security Council resolution to establish a mission has been adopted. OLC has become highly specialized in these matters and its support is appreciated by political and peacekeeping officers of the Secretariat. The concept of a status-of-forces agreement does not apply in a number of situations and, where it applies, not all such agreements are concluded promptly. To promote the early conclusion of status-of-forces agreements, the General Assembly, in its resolution 52/12 B, recommended that the Security Council, in establishing peacekeeping operations, "prescribe a time frame" for their conclusion, and that "pending the conclusion of such an agreement", the model status-of-forces agreement would provisionally apply unless otherwise agreed. OLC staff believe that it is desirable to conclude status-of-forces agreements early, provided that negotiations clarify all the commitments required from the parties concerned. It is also their experience that, with the central support and adequate legal support of OLC to missions, recourse to the model agreement and relevant United Nations regulations can minimize problems that arise in the absence of such an agreement.

5. Coordination of legal advice and services

14. One of the OLC core functions is to assist the Legal Counsel "in the coordination of legal advice and services to the United Nations as a whole"

(ST/SGB/1997/8, para. 4.2 (a)). Coordination within OLA is required to pool the expertise of different units. For example, OLC and GLD regularly collaborate in order to ensure respect for the immunity from legal process of the Organization. A number of topics of interest to the work of OLC are discussed below (see paras. 25, 28-30, 35 and 41-43). OLC is coordinating the design and implementation of the OLA information management system, which is intended to facilitate archival of working documents and access by OLA staff and to disseminate information to the different users of its services more easily. Regarding coordination among United Nations organizations, their legal advisers stated to OIOS that it had improved since the mid-1990s, thanks to the efforts of OLA. The main mechanism for coordination is the annual meeting of the legal advisers of the United Nations system. A review of the proceedings of recent meetings shows that discussion of common problems is well-focused and solution-oriented. The legal advisers consulted by OIOS found that OLA arrives to the meetings well-prepared and follows up on decisions taken. OLC and GLD are the main OLA contributors to these meetings. Staff with legal expertise involved in legal work at the United Nations Development Programme (UNDP), the United Nations Office for Project Services (UNOPS) and the United Nations Children's Fund (UNICEF) do not participate in these meetings, although they would have experience to share on many points on the agenda. OLA needs to ensure that the practices and concerns of these funds and programmes are adequately reflected at the meetings. *Measures, in addition to the circulation of meeting documents, are needed.*

15. In terms of measures to reach the Secretariat goal of establishing gender parity among professionals by 2000, OLA has made a notable contribution. In 1994, women made up 34 per cent of the professional cadre. In 2001 the percentage of women at OLA had increased to 48 per cent. In 2001, women candidates filled 12 of the 20 vacant posts in OLA.

B. General legal services provided to United Nations organs and programmes

16. Subprogramme 2, General legal services to United Nations organs and programmes, is implemented by the General Legal Division (GLD). The Division assists the Secretariat and other United Nations organs in day-to-day administration of their mandates and programmes through the provision of legal services. GLD organized its services around four clusters of subject areas, which correspond to the main activities identified in the medium-term plan: (a) advice on procurement and other commercial matters; (b) advice on legislative and operational aspects of peacekeeping and other missions; (c) opinions on the administrative law of the Organization; (d) advice to separately funded funds and programmes, institutions matters, in connection with their operational activities and preparation of standard instruments. GLD represents the Secretary-General before the United Nations Administrative Tribunal and other judicial and arbitration bodies in commercial and other disputes.

1. Substantial contracts and procurement matters

17. During the 1990s, the multiplication of peacekeeping operations and the higher volume of procurement, the increase in the number of commercial claims and arbitrations confronting the Organization and the reform of procurement increased the demands made on GLD for legal assistance. During the last medium-term plan period, 1998-2001, an expected goal of the Division was to minimize and resolve legal disputes and other legal difficulties arising with regard to the operations of the Organization. This goal also applies to the current period.

Commercial claims and arbitration

18. At the United Nations, many claims by contractors are resolved by the operational units involved or the Procurement Division. OLA is consulted when the legal obligations of the Organization are not clear. Arbitration is the mechanism of last resort, used when disputes arising from contracts are not resolved amicably. Arbitration to resolve disputes between the United Nations and a contractor is a relatively new phenomenon for the United Nations as most of the cases arose only since the mid-1990s. Since 1995, 18 arbitration cases were handled by GLD, most of them relating to peacekeeping operations.

19. Handling commercial claims and arbitrations is a very time-consuming task for GLD staff. Furthermore, to secure the special expertise needed for a given arbitration case, OLA generally retains the services of outside legal counsel. In their 2000 report, the Board of Auditors expressed concern that the selection of arbitrators was not sufficiently transparent. In early

2002, OLA and the Procurement Division were in the process of finalizing arrangements to address the selection of outside counsel. In addition, a few of the complex arbitration cases had raised concerns about the system of payment used by OLA, the amount of fees charged by outside counsel and, sometimes, the failure of accurately predicting the costs of arbitration. The United Nations has generally been billed on an hourly basis and not-to-exceed amount, based on the complexity of the case, which it has found to be the most appropriate system of payment. Regarding the prediction of costs, several law firms consulted by OIOS explained that, with the present system of payment, outside counsel should be able to provide a reliable budget, if the United Nations is able to furnish them with reliable information as to what is involved in the case. *However, this information is not always available to OLA when the services of outside counsel are contracted.*

20. Arbitration is intended to be considerably less formal and time-consuming than litigation, but arbitration tribunals may adopt a too formalistic approach, increasing the costs of proceedings considerably. In the legal profession, where arbitration has become a cumbersome mechanism, more attention is given to negotiated settlement and alternative dispute resolution mechanisms. The use of alternative dispute resolution mechanisms, such as mediation, conciliation and neutral evaluation, is growing rapidly in the private sector. The United Nations has made little use of alternative dispute resolution mechanisms. As recommended by the Board of Auditors in early 2000, OLA has modified the standard contract dispute settlement clause to focus more on amicable settlement. However, in the revised clause, alternative dispute resolution mechanisms remain optional, in the form of conciliation or "such other procedure as may be agreed between the parties" (United Nations General Conditions for Contracts for Purchase of Goods, article 16.1). *To more effectively limit recourse to arbitration, consideration should be given to greater recourse to conciliation or such other procedures before either party submits the matter to arbitration.* To that effect, the Conciliation Rules of the United Nations Commission on International Trade Law (UNCITRAL) can be used with the exclusion of those provisions that make conciliation optional contained in subparagraphs 2, 3 and 4 of article 2 of the Rules. This would be compatible with the Convention on Privileges and Immunities, which only stipulates that the United Nations shall make provisions for the appropriate mode of settlement of disputes.

Drafting of contracts and contract management

21. The number of arbitration cases multiplied around 1995 and 1996, following a period of high procurement volume related to peacekeeping operations. It has since decreased. Officers in the Field Administration and Logistics Division and the Procurement Division told OIOS that among possible factors in this decrease is improved capacity to formulate complex contracts and to manage contract implementation in the field. *Furthermore, in view of the United Nations less than positive experience with prior arbitrations, the Office for Central Support Services stated to OIOS that, whenever possible, it negotiated to settle claims with vendors.* It is also noted that the level of procurement activities, identified as one of the risk factors, dropped significantly between 1996 and 1998 and, after 1998, increased again, with three quarters of all procurement actions related to peacekeeping operations, in 2000. At the 2000 round table on these issues, organized by GLD, participants considered that further improvements are needed to ensure that contracts entered into by the Organization are clear and unambiguous; to ensure consistent practice in contract administration at Headquarters and in the field; and to assess strengths and weaknesses of a claim at the earliest possible time.

22. One of the general responsibilities of GLD is to assist in the drafting of contracts, particularly in relation to complex commercial arrangements. In a number of recent cases, once the need for the procurement of a particular service or item, which required a complex or innovative contract, had been identified, the requisitioning department, the Procurement Division and GLD formed a team to address early in the process the major legal issues likely to arise. It is the experience of staff involved in these teams that the Division's early involvement in the design of complex or new request for proposal (RFP) and invitation to bid (ITB) formula is likely to enhance the responsiveness of any proposal or bid and to facilitate the contract negotiations with the successful proposer or bidder. *The Office for Central Support Services agrees with this approach as long as it does not add time to the procurement cycle.*

23. As GLD is not sufficiently staffed to review every major contract, criteria to identify higher-risk contracts have been examined periodically. Currently, the *Procurement Manual* stipulates that an OLA review of contracts in excess of $200,000 is not needed for contracts essentially identical to other contracts

previously reviewed by the Office. There are no criteria that identify the need for early OLA involvement. The review of past arbitration cases and recent procurement actions show that (a) new contracts, (b) contracts with high monetary value, (c) and contracts for peacekeeping operations, in particular, still require better coordination between the requisitioning units, the Procurement Division and OLA. In 2000, out of the 584 contracts in excess of $200,000 submitted to the Headquarters Committee on Contracts, only 134 contracts were new, valued above $1 million and for peacekeeping operations. Additional risks are attached to contracts negotiated following a request for proposal (RFP). During the second half of 2001, there were only eight RFP-based contracts above $1 million. Since, in a typical year, GLD handles many dozens of major contracts and hundreds of other procurement matters, the criteria reviewed above would narrow down the list of higher-risk contracts, for which the early involvement of the Division is desirable, to a manageable number. Prioritization using a fixed formula will not fit every situation. However, it would help identify those procurement situations that are new or otherwise complex.

Evaluation of contractors

24. The *Procurement Manual* provides for criteria and a procedure for suspension or removal from the supplier roster. Criteria are performance-related and include unethical conduct as well as other types of conduct that would affect the acceptability of the supplier as a United Nations contractor. Notice of suspension or removal is reviewed by OLA. Currently, the Procurement Division encourages all vendors to the United Nations to issue a clear statement of support for the Global Compact and its nine principles. Such commitment is not attached to the General Conditions of Contracts in order to reduce the risk, for example, that the services of a contractor resorting to forced child labour would be contracted by the United Nations. In this instance, it is a commitment that UNICEF requires in its contracts. In 2000, in paragraph 22 of resolution 55/247 on procurement reform, the General Assembly reiterated the need to improve procurement practices "by simplifying the registration process for vendors who have already registered with another organization of the United Nations system". Implementation of that resolution would require that United Nations organizations harmonize the criteria of their supplier performance evaluation and share information on which suppliers are barred from doing business with them. As OLA participates in the maintenance of the United Nations suppliers' roster, legal implications of new measures contemplated to simplify the registration process for vendors need to be examined by the Office. *The Office for Central Support Services believes that the immediate challenge is to find ways to centralize the registration process. In this regard, a United Nations centralized procurement portal was recently established.*

Joint review of problems and lessons learned

25. Oversight bodies have recommended that the lessons learned from all aspects of arbitration and settlement cases should be disseminated to key participants of the procurement process. GLD has responded in several ways. First, several revisions of the United Nations General Conditions of Contracts have been undertaken to apply lessons learned and model contracts have been revised as necessary. While this is a useful step, those users contacted by OIOS noted that as model texts cannot reflect the needs of a variety of situations, procurement, administrative and legal officers often put together an informal collection of the most recent contracts for future reference. These informal "reference libraries" are not subject to any form of inventory and coordinated review. A joint review by GLD and the Procurement Division would therefore be useful to ensure consistency of practice. Several officers interviewed indicated that model documents and other reference material should be updated regularly with instructive practices sought from end-users. These updates should be systematically disseminated using the integrated information system currently being developed by OLA (see para. 14 above) and through links to other systems. In addition, GLD needs to explore, in a forward-looking manner, the legal issues that new approaches, such as e-procurement, will present and propose solutions that will facilitate their adoption. For example, OLA needs to review the laws that apply to electronic signatures to address concerns for authenticity, confidentiality and control over decision-making. *It is recalled that UNCITRAL adopted a model law on electronic commerce in 1996.*

26. Another measure to disseminate lessons learned has been the round-table discussions organized by GLD since 1998. Two of these have been on arbitration and a third on several legal issues of interest to lawyers and non-lawyers working in the Organization. However, participation in these events was very limited and no

summary of the issues discussed was distributed to a wider audience. The OLA web page has not been used to disseminate information in areas such as the legal implications of routine administrative actions or practical tips to help determine when OLA review and assistance are needed. Other United Nations organizations, such as the Food and Agriculture Organization of the United Nations (FAO) and departments in other areas of the Secretariat, including the Procurement Division, have used their web sites in that manner. GLD agreed that more should be done in this respect. The Division will convene a joint meeting of officers from OLA, the Procurement Division and other services in early 2002 to discuss new developments in procurement and contracting. *Also, additional round-table discussions could be organized on such topics as amicable settlements and other alternative measures to resolve disputes, their impact and the nature of OLA's involvement.*

2. Technical support for peacekeeping operations

27. Legal assistance provided by GLD to peacekeeping operations covers, inter alia, operational issues arising from status-of-forces agreements and from contributions by States, issues relating to institutional structures of operations and their operational activities. Large programmes, such as the "Oil for Food Programme" in Iraq, have required substantial involvement of lawyers from the Division. Its work on commercial matters is largely connected to peacekeeping operations (see paras. 17-26 above).

28. **Legal support in the field to missions**: During the 1990s, functions added to military operations required new types of management expertise and support, including legal support. GLD direct support in the field to peacekeeping missions has been limited, and generally consists of one legal officer for the needs of a single mission. To provide the legal assistance required in the missions, it has been difficult to recruit additional personnel with sufficient familiarity with the United Nations regulations and rules. The mission legal officers, even at junior level, frequently handle all legal matters, such as contractual issues, GLD issues, and privileges and immunities questions, OLC issues. Although these officers are generally recruited after review by OLA, they are accountable to the Head of the mission not to OLA. On a few occasions, OLA has been able to provide brief training to newly recruited legal officers. Once, in 1997, a two-month comprehensive training programme was jointly organized for them by the Field and Logistics Division, the Procurement Division and OLA. Former participants stated to OIOS that the programme, which covered OLC and GLD issues, had been very helpful. The quality of legal work in the mission where the legal officers are deployed is not formally monitored by OLA. Technical evaluation of performance by OLA would help ensure that legal advice provided in the missions is effective for the protection of the interests of the Organization. The views of OLA on the performance of legal advisers should be formally sought by heads of the missions. These expanded responsibilities of OLA are in keeping with the general function of the Legal Counsel. It is noted that the Secretary-General recommended that "legal officers in the field should be encouraged to maintain informal communications with their counterpart in OLA" and that "legal officers from OLA dealing with peacekeeping operations visit the field on a regular basis to gain a more in-depth understanding of aspects of peacekeeping that affect their work" (A/55/977, para. 264).

29. Rapid deployment of personnel to establish missions remains a problem, in particular for peacekeeping missions. As early as 1993, the Secretary-General had made a number of proposals for effective staffing of missions and early deployment that included a capacity to face sudden and substantial demands in civilian administrative and technical staff within the Organization. Decisions made in the field during the mission start-up phase have long-lasting consequences. In 1999, OIOS recommended that peacekeeping missions, especially during start-up, be staffed with qualified and experienced personnel in key procurement and contract administration positions, as well as with qualified legal advisers. An OIOS survey of five missions at the end of 2001 revealed that in only one mission were legal officers deployed when the mission started up; in the other four, the legal officers were deployed three to four months after. At one mission, a legal officer who left was not replaced.

30. In 2001, the question of improved personnel surge capacity within the Organization for staffing of missions during the start-up phase was examined by a Secretariat task force. The task force took into account the "interrelationships of all relevant elements within the Secretariat that play a role in peacekeeping operations", as requested by the Special Committee on Peacekeeping Operations (A/C.4/55/6). OLA did not

participate in the work of the task force. The subsequent report on implementation of the Special Committee recommendations underlined the need to strengthen the capacities, inter alia, of the Department of Management and OLA so that they can more effectively support United Nations peacekeeping operations. In particular, the report noted that "the upsurge and increased complexity of peacekeeping operations has resulted in an increased workload for OLA" (A/55/977, para. 260). However, in August 2001, in the related statement of programme budget implications providing the detail of additional resources required by departments and offices, no additional resources were requested for OLA. At the end of 2001, the Department of Peacekeeping Operations engaged in a process to have in place up to 3 rapid-deployment standby teams and 3 missions start-up teams and to identify staff for longer-term assignment available on 30 days' notice. In early 2002, no information was available on the involvement of OLA in this planning process. *One OLA officer participated in the Afghanistan start-up mission group.*

3. Administration and management of the Organization

31. For the current medium-term plan period, the expected accomplishments for GLD include compliance with regulations, rules and administrative issuances. The implementation of systems that ensure staff compliance with regulations and rules is the responsibility of the Office of Human Resources Management. To minimize difficulties in this area, questions of accountability and responsibility of managers and other staff and the use of clear language in administrative issuances are important factors. Since the mid-1990s, GLD played an important role in the establishment of a more efficient system of administrative issuances. *The reform of the system was initiated by the Legal Counsel in 1995.* The Division also reviews all administrative rules before issuance, consistent with section 6.2 of ST/SGB/1997/1. Non-compliance with rules and regulations is the underlying cause for the review of many cases by the internal system of justice. In spite of improvements in human resources management policies and systems, the defence of the Secretary-General before the Administrative Tribunal still represents an important proportion of the GLD workload.

32. **Administration of justice**: The administration of justice at the United Nations features some informal procedures and two stages of formal recourse. The first stage of formal recourse takes place before internal joint bodies whose role is advisory only; the second stage before an Administrative Tribunal whose decisions are binding. The United Nations Administrative Tribunal is an independent organ supported by a small secretariat. An OIOS inspection of the Tribunal's secretariat will be carried out in 2002.

33. GLD represents the Secretary-General before the Administrative Tribunal and provides advice requested by the administration in the earlier stages of the proceedings. The Tribunal's caseload increased significantly after 1990. As at the end of 2001: the workload related to the Tribunal at GLD required 38 professional work months; 57 cases were under preparation; and 16 lawyers in the Division were working on those cases. Cases are handled with greater urgency nowadays because of the Tribunal's criticism of the administration for always asking for extensions when submitting briefs. However, the backlog of cases pending increased noticeably in the past few years. GLD has devoted more resources to the reduction of the backlog to a reasonable level in the coming years.

34. In a recent study, the Joint Inspection Unit (JIU) commented that, not unlike similar domestic systems, the system for the administration of justice at the United Nations is slow, costly and cumbersome. The question "has been the subject of numerous attempts at reform, which have, up to now, failed to bring about the desired results" (JIU/REP/2000/1, para. 1). The Secretary-General considers it "fundamental that, in the administration of justice process, control procedures change more in favour of informal mediation, early resolution of issues and informed decision-making by potential claimants" (A/55/253, annex V, para. 7). In 2000, it was proposed to replace the current informal mediation processes by an ombudsman mechanism, as has been done at UNICEF and UNDP. The General Assembly welcomed the proposal. The question should be kept under review to determine whether the implementation of new measures, in particular the ombudsman mechanism, have been effective in addressing staff complaints and have reduced the demands placed on GLD.

4. Institutional matters and enhancing central legal services

35. GLD services related to institutional matters deal, inter alia, with the establishment of appropriate

regulations, rules and procedures for operational activities of the Organization, including the separately administered funds and programmes; the negotiation and drafting of agreements related to cooperation with implementing partners, the establishment of field offices and the services rendered by the funds and programmes. From the OLA perspective, these services are provided not simply for the convenience of the user entities, but more broadly to ensure a uniform and consistent application of the law within the Organization, thereby protecting its interest and minimizing its financial liability.

Improving the delivery of common services

36. The last decade has seen a marked increase in the volume of work handled by GLD: in 1990 and 1991, the conduct of general legal work by GLD entailed the preparation of 2,994 briefs, advice and opinions; during the biennium 1996-1997, the Division logged a threefold increase and handled over 9,280 written requests for legal assistance and advice. This prompted a reappraisal of the Division's capacity. To help the Division maintain quality and timely service, its professional staff was increased from 15 posts in 1991 to 20 posts in 1996. In spite of this increase, in 1997, the Board of Auditors noted that the situation remained difficult. At the time, high vacancy rates of 20 per cent and high turnover rates of GLD professional staff further complicated the situation. Turnover rates have remained higher than they are in the rest of the Secretariat.

37. Since mid-1995, GLD has implemented a number of reforms, including reorganization by clusters of subject areas and the establishment of procedures for setting priorities and tracking progress of work. GLD established more regular consultations with clients. The reorganization by clusters was intended, in particular, to develop a cadre of experienced lawyers for each subject area while enabling clients to more easily identify and communicate with the lawyers working on particular projects. The work of GLD and OLC was included among the services reviewed by the 1997 Task Force on Common Services. A goal of the Task Force was to assure that common services are "cost-effective, high quality and timely, provided on a competitive basis and result in full client satisfaction" (A/51/950). Among the questions examined were outposting OLA lawyers to user entities, access to outside specialized expertise in areas that OLA does not normally deal with and timeliness of OLA advice.

Assessment of results

38. The outposting of OLA lawyers has the advantage of bringing OLA's expertise closer to the user, a requirement for operations where advice is needed at any time of the workday. In addition, outposting enables legal officers to gain a more in-depth understanding of the users' operations and specific mandates. Due to staff constraints, GLD was able to practise outposting to user entities on a limited basis only. The hiring of outside specialized expertise was done — for example in the areas of insurance and real estate law, and proposed for banking law — only when the programmes assisted were able to cover the cost of the specialized legal work provided. *OLA has not been provided with a budget allocation to respond to the needs for specialized expertise by hiring outside counsel.*

39. At the end of 2001, OIOS consulted users of GLD services, including the most intensive users, in 13 United Nations departments, offices and programmes. Regarding timeliness of service, half of the users indicated that they were satisfied. Depending on the nature of their request, they generally received GLD assistance within a week to a month. One user stated that, in his area of work, the 1996 reorganization of GLD in clusters had significantly improved turnaround time from two months to less than one month. Except for a few cases when GLD response took much longer, most of the dissatisfied users had experience comparable to the satisfied users. Most frequently, GLD turnaround time was a week to a month. It was observed, however, that these dissatisfied users were involved in operations, frequently of a commercial nature, for which they maintained that a response time longer than a day would be inadequate. They acknowledged that an urgent request, forwarded personally by the head of service, could be given high priority by GLD, but that not all their requests could be transmitted in that manner.

40. Users had different experiences with GLD working practices. A few of them indicated to OIOS that they were able to call the lawyers they knew at GLD and obtain the information they needed without sending a formal request for advice. However, the majority of users reported that it was difficult to obtain simple information by telephone or by e-mail. Many of them stated that, once their formal request for advice had reached GLD, the assignment of the task to a lawyer and the internal OLA clearance of the lawyer's comments were highly centralized, and could be

delayed for weeks when senior officers were away from Headquarters. GLD needs to strengthen its cluster system, intended to facilitate communications with users, by delegating sufficient authority to provide advice, even informally, to a number of its experienced lawyers below the level of Director or heads of clusters. These lawyers would represent the Division as "relationship" lawyers assigned to the different users caseload and will refer cases outside their expertise to other lawyers, without delay. To further streamline the consultation process, GLD needs to assess if the current clusters of subject matters should be reorganized to more closely match different domains of legal expertise. *To effectively implement this streamlined management of its caseload, GLD may need to adapt its processes and internal information flow and examine, in particular, good practices adopted in other public sector legal offices.*

Ensuring compliance with the legal framework of the Organization

41. Given the breadth and diversity of mandates and interests of the different institutions serviced, this aspect of GLD's work requires a difficult balance between two functions: ensuring compliance with the legal framework of the Organization; and providing assistance to facilitate operations. This is the case, in particular, when policy is developing faster than the legal framework. OLA has been criticized for responding too slowly or with a lack of creativity to the demands of the separate funds and programmes for legal advice and to the development of new modalities for dealing with civil society and the private sector. One example of this arises with respect to the use of the name and emblem of the Organization.

42. The use of the name and emblem of the Organization has been the subject of debate since 1993, during the preparations for the fiftieth anniversary of the Organization, when there was increased interaction between the Organization and the private sector. OLA's position was that it had been the long-standing policy of the Organization to prohibit use of the name and emblem for commercial purposes. OLA was in favour of maintaining a strict policy of prohibition based on General Assembly resolution 92 (I). However, this resolution did not explicitly prohibit the use of the name and emblem but only expressed a concern in relation to commercial purposes. OLA recognized that, in practice, the policy allows for the use of name and emblem in a wide variety of circumstances and that each situation should be examined in light of the particular situation. It was not until 2000 that, in the Secretary-General's guidelines on cooperation between the United Nations and the business community, OLA, in collaboration with other organizations, set out general principles clarifying the use of the name and emblem, taking into account the evolving new relationship with the private sector. The clear enunciation of this policy has been appreciated by many users in the Secretariat and the funds and programmes: their concern is that it would have been more beneficial to have such guidance delivered by OLA much sooner.

Upholding the unified nature of central legal services

43. In recent years, the separate funds and programmes strengthened their internal legal support, for reasons such as improving liaison between their headquarters and field offices and avoiding delays in obtaining OLA advice. In practice, most of the funds and programmes are seeking to provide their own legal advice and, in the course of 2001, at least one of them has dramatically reduced its requests for OLA assistance. *In August 2000, UNDP established its Office of Legal and Procurement Support, in close consultation with OLA.* Within the Secretariat, since the mid-1990s, in order to respond to the increased demands for legal advice, in addition to the two formally recognized positions at the United Nations Offices at Geneva and Vienna, a number of Legal Liaison and Legal Adviser positions have been created in the Organization. These positions were created without consulting OLA on the need for additional legal assistance, provided either centrally by the Office or by establishing new positions in other offices. OLA delegation of authority to these positions was not sought, as would be the normal practice in other support areas such as finance and procurement. The position of officers providing general legal advice were proposed for the United Nations Centre for Human Settlements (UNCHS) and the Office of the High Commissioner for Human Rights. *On this matter, the High Commissioner for Human Rights consulted the Legal Liaison Office in Geneva.* The position of contract officer with legal liaison function was established at the Procurement Division. *To clarify the purpose of this function, the Office for Central Support Services stated to OIOS that this officer assists in preparing draft texts, which are then passed to OLA for*

review. No written proposals for such positions nor review by the relevant oversight bodies was ever seen by OLA. OLA itself is not sufficiently involved in the review of legal implications of new developments in programme delivery. The present situation raises an issue of the role of OLA as provider of central support services, which includes protecting the interests of the Organization. It should be standard practice that OLA is consulted on the necessity for new positions with legal functions and on the job content of such new positions and that it should monitor periodically the quality of general legal work performed in the departments and offices where such positions exist. Currently, OLA reviews the qualifications of candidates for such positions at the United Nations Offices at Geneva and Vienna and for the recruitment of legal officers at peacekeeping missions. Regarding the technical evaluation of the performance of all positions, the views of OLA are not sought.

III. Secretariat services and treaty matters

44. OLA contributes to the progressive development and codification of international public and trade law by providing substantive secretariat support to United Nations bodies. OLA is discharging the Secretariat's responsibilities under Article 102 of the Charter of the United Nations on the registration and publication of treaties and the Secretary-General's responsibilities as the depositary for multilateral conventions.

A. Progressive development and codification of international law

45. Subprogramme 3, Progressive development and codification of international law, is implemented by the Codification Division. The Division participates in activities for the dissemination and wider appreciation of international law and is responsible for secretariat support to the International Law Commission, the Sixth Committee and its subsidiary organs and diplomatic conferences. These organs drafted and adopted a large number of instruments, which included, in recent years, the Convention on the Safety of United Nations and Associated Personnel, the Convention for the Suppression of Terrorists Bombings and the International Convention for the Suppression of the Financing of Terrorism, as well as the landmark Statute of the International Criminal Court, adopted by the Rome Conference in 1998.

1. Secretariat support

Servicing meetings

46. The Division services some 300 meetings of United Nations organs per year. The delegates to the Sixth Committee consulted by OIOS at the end of 2001 were very appreciative of the in-session support provided by the Codification Division. New delegates, in particular, find that the orientation received on points of procedure is useful and observe that Secretariat staff remain available for answering queries as needed.

Preparation of documentation and research

47. Almost all the delegates to the Sixth Committee as well as the members of the International Law Commission consulted by OIOS at the end of 2001 found the documentation prepared by the Codification Division useful and were nearly unanimous in their praise of the high professional quality of the work.

48. **Timeliness**: Regarding timeliness, one recurring problem is the late submission of the annual report of the International Law Commission to the Sixth Committee. This is due to the annual calendar of meetings; the Commission's session closes barely five weeks before the Sixth Committee convenes. Another problem with timeliness is the late submission of the Special Rapporteur's reports to the International Law Commission. In 1996, the Commission recommended that the reports "be available sufficiently in advance of the session at which they are to be considered" (A/51/10, para. 149). In 2000 and 2001, the Rapporteur's reports submitted to the Commission were distributed, at the earliest, three weeks before the session.

49. **Comments received from Member States**: An important part of the substantive inputs requested by the organs consists of comments and material provided by Governments. There is concern that too few Member States are making contributions, which undermines the objective of such processes. In an attempt to increase the response rates, the Codification Division transmits the requests for information immediately after the sessions of the various organs and sends reminders. The main reason given for the disappointing results is the lack of resources allotted by most Governments to follow questions of international law. Comparable difficulties with response

rates are experienced in other areas of the Organization. The results of measures taken in some areas — *such as drug control, social development and sustainable development* — to address the problem need to be reviewed.

50. **Research and surveys of international law**: The International Law Commission, in its 1996 annual report, noted that the contribution of the Secretariat to its work is essential. The Commission stated that, although its statute provides simply that the Secretary-General shall, "so far as he is able, make available staff and facilities required by the Commission", "the Secretariat should be encouraged to make an even greater contribution to the Commission's work" (International Law Commission 1996 report, para. 234). All but one of the members of the Commission consulted at the end of 2001 by OIOS believed that the Codification Division should conduct more research to assist the Commission. Several of them made specific reference to the 1978 survey on the law of force majeure carried out by the Division at the request of the Commission and wished to see similar work done in future. This subject, generally, was also a concern of the delegates to the Sixth Committee consulted by OIOS. Delegates gave the example of a scientific topic on the agenda of the Sixth Committee at its last session for which a Secretariat background paper on the main issues to consider would have been useful in preparation for the meetings. *However, OLA stated to OIOS that these matters have never been brought to the attention of the Legal Counsel, who frequently meets with members of the Sixth Committee and holds informal consultations with both bodies.*

2. Dissemination and wider appreciation of international law

51. To promote the knowledge of international law, the Codification Division monitors the implementation of the international programme of assistance in the teaching, study, dissemination and wider appreciation of international law, which was established in 1965. The Division is directly involved in the implementation of several elements of the programme: fellowships; legal seminars; and dissemination of information. During the 1990s, the Division coordinated the implementation of the United Nations Decade of International Law, which elicited the interest of many international organizations.

Fellowship programme and law seminars

52. The six-week annual Fellowship Programme in International Law is the result of the collaboration of the Codification Division, UNITAR and The Hague Academy of International Law. At the end of 2001, former participants surveyed by OIOS found the programme beneficial. As mandated, participants are predominantly from developing countries. Nearly half of the former fellows responding to the survey believed that more lecturers should be from developing countries. A number of them felt that, within the treatment of broad topics, more attention should be given to issues of concern in their regions. It is recalled that one of the objectives of the Fellowship Programme is to deepen participants' knowledge of international law, "particularly those questions of special interest to developing countries" (A/48/580, para. 80). As funds to organize regular regional seminars are insufficient, regional concerns may need to be more fully addressed in the context of the existing programmes.

United Nations publications and other media

53. *United Nations Juridical Yearbook*: The Codification Division is responsible for the preparation of several recurrent publications, such as the *United Nations Juridical Yearbook*, as well as non-recurrent legal publications. At the end of 2001, the OIOS survey of United Nations depository libraries revealed that two of the three most frequently consulted United Nations legal publications are published by the Division: the *Juridical Yearbook* and the *Yearbook of the International Law Commission*. The publication of the *Juridical Yearbook* was interrupted for a number of years during the 1980s. At the end of 2001, good progress had been made to eliminate the backlog of publication, which had reached a 13-year high: the 1998 volume was being processed by the editors.

54. *Repertory of Practice of United Nations Organs*: The production of the *Repertory of Practice of United Nations Organs* began in the 1950s. In 1997, there was a backlog of 18 years in the production of the *Repertory*, and of 27 years for certain Articles of the Charter. Since 1997, a number of steps were taken to expedite the production of the *Repertory*, as requested by the General Assembly, including designation of author units in each of the nine departments and offices concerned. The Codification Division is responsible for coordinating the preparation of the *Repertory*. Even though the new system, *established after an initiative by the Legal Counsel in the Senior*

Management Group, has reduced the backlog, the General Assembly recognized that the current pace is not sufficient. It is expected that most volumes covering the period from 1979 to 1984 will be completed in 2002. The possibility of establishing a central unit for the preparation of the *Repertory*, as exists for the *Repertory of Practice of the Security Council*, was discussed. Presently, author units are frequently hiring consultants and resorting to interns to carry out core tasks of preparation, which creates problems of continuity and quality. The same level of general temporary assistance allocated for this work in past bienniums, $2 million, can easily support a more permanent arrangement. As an indication of the continued interest in the publication, in spite of its backlog of more than 15 years, the *Repertory* continues to be the recurrent OLA publication with the highest sales. Many government delegations "urged that the necessary steps should be taken in order to ensure the timely publication of both the *Repertory* and the *Repertoire of the Practice of the Security Council* in future and to eliminate the backlog". A trust fund was established to support the preparation of the *Repertoire*. OLA should propose measures that would ensure an elimination of the backlog of the *Repertory* in a time frame comparable to that which was used for the *Treaty Series*.

55. **Electronic and audio-visual dissemination**: The Codification Division has created a number of web sites to disseminate information on the work of the United Nations on international law, including the technical assistance provided. As a tool for disseminating information on international law, the Internet appears useful: 80 per cent of the depository libraries responding to the OIOS survey are accessing international legal materials from the United Nations web sites, mostly libraries in the Economic Commission for Africa (ECA), Economic Commission for Europe (ECE) and Economic Commission for Latin America and the Caribbean (ECLAC) regions. The Codification Division maintains the Audio Visual Library, created in 1997. The Library is funded solely through voluntary contributions from professional and academic institutions. Many of the videotapes offered are in English only.

B. Progressive harmonization and unification of the law of international trade

56. Subprogramme 5, Progressive harmonization and unification of the law of international trade, is implemented by the International Trade Law Branch. The mandate of the subprogramme derives from General Assembly resolution 2205 (XXI) of 17 December 1966, establishing UNCITRAL, which is serviced by the Branch. The main functions of the Commission are (a) coordinating the work of organizations active in this field; (b) promoting wider participation in existing international conventions and acceptance of existing model and uniform laws; (c) preparing or promoting the adoption of new international conventions and model laws; and (d) promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws. In 1973, the General Assembly endorsed the expansion of UNCITRAL membership to the current level of 36 experts representing their Governments. Observer States, representatives of the United Nations system, intergovernmental organizations, *and a number of non-governmental entities representing industry and practice also participate in the technical deliberations of UNCITRAL. Delegates from Observer States may sometimes chair sessions in their personal capacity.*

57. Since its inception 34 years ago, UNCITRAL has adopted and promoted a large number of instruments. The most prominent of these are listed in tables 1 and 2 below.

Table 1
Country ratification of trade law conventions

Convention	*Number of countries that have ratified the Convention*
Convention on the Limitation Period in the International Sale of Goods (1974)	24
Convention on the International Sale of Goods (1980)	61
Convention on the Carriage of Goods by Sea (1978)	28
Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)	129

58. In spite of calls by the General Assembly for universal adoption, the level of ratification of many of the trade law treaties and conventions has been low. In addition to conventions, UNCITRAL has employed more flexible legal instruments known as model laws to harmonize international trade law. The advantages of model laws is that they can be quicker to draft and provide the State with a greater degree of flexibility in

the adoption process by allowing for the modification of the final text to meet particular domestic conditions and needs. Although, unlike conventions, there is no formal method for tracking the manner in which States adopt or adapt model laws, *UNCITRAL has been able to obtain information on adoption and copies of adopting legislation from member and other States. Other forms of harmonizing texts, such as legislative guides, have also been used.*

Table 2
Country enactment of laws based on UNCITRAL Model Laws

Model laws	*Number of countries that have adopted the model laws*
Model Law on International Commercial Arbitration (1985)	34
Model Law on Procurement of Goods, Construction and Services (1994)	14
Model Law on Electronic Commerce (1996)	11

1. Secretariat support

59. The International Trade Law Branch is responsible for the substantive servicing to UNCITRAL and its current working groups on privately-financed infrastructure projects, international arbitration and conciliation, transport law, electronic commerce, insolvency law and security interests. This support is provided to approximately 200 meetings a year. Members of the Commission and other participants interviewed by OIOS have uniformly indicated that the Branch contributes meaningfully to the work of UNCITRAL through the preparation of background material and the provision of substantive papers and advice. Reviews of the statements made at the Sixth Committee in 2001 and interviews with members of the Commission, delegates from Member States, non-governmental organizations and other agencies indicate that the quality of the secretariat support is effective, technically competent and timely. Particular mention is made of the Branch's ability to maintain a balanced approach to issues.

2. Coordination with other organizations

60. Interaction with other organizations active in the field of trade law takes place mostly at the annual meetings of the Commission and at UNCITRAL working groups, as well as through the Branch's participation in meetings of other organizations. As mandated, the Commission's annual report is submitted to UNCTAD for comment. All international organizations consulted agree that there is a need to improve the substance and depth of coordination among agencies associated with trade law, both within and outside the United Nations system. Coordination is becoming increasingly urgent in light of the increased number of organizations becoming involved in the area of international trade law reform and the consequent risk of duplication of efforts and inconsistent results. The Branch is aware of this need and has begun to use new approaches to draw upon the work done in other forums, including requesting written responses from relevant agencies to draft texts that are to be submitted to an UNCITRAL working group. The comments of the agencies are subsequently taken into account in the preparation of texts. These efforts should be supplemented with more systematic approaches that focus on information sharing and joint work-planning.

3. Promotion of uniform application and interpretation of UNCITRAL texts

61. The first tool used by UNCITRAL to disseminate information on trade law was *UNCITRAL: United Nations Commission on International Trade Law Yearbook*, which has been published with regularity since 1968. Over half the respondents to the OIOS depository library survey indicated that this publication is of interest to their readers. *The Law Branch is in the process of making available the text of all Yearbooks on its web site.*

62. In order to facilitate and enhance the uniform application and interpretation of UNCITRAL texts, the Branch has maintained a database of decisions by national courts and arbitral tribunals interpreting texts resulting from the work of UNCITRAL since 1988, entitled *Case Law on UNCITRAL Texts* (CLOUT). This system draws on information submitted by "national correspondents" nominated by Members States. In the OIOS depository library survey, less than 25 per cent of the respondents were familiar with CLOUT. There is therefore a need to take measures to ensure familiarity with CLOUT, which is considered of primary value to practising lawyers, judges and law students. Furthermore, suggestions have been made in UNCITRAL sessions and by those academics familiar with CLOUT, that an online form of case-law

commentary should be developed on decisions taken by States Courts and Arbitral Tribunals to promote the more consistent interpretations of the Conventions and Model Laws. ITLB is in the initial stages of setting up a group of experts to produce a "digest" of such case law on the Sales Convention. ITLB also prepares an annual *Bibliography of Recent Writings Related to the Work of UNCITRAL* in printed form, *and a web version, which consolidates bibliographies from 1993 to the current year.*

4. Technical assistance with trade law reform

63. The International Trade Law Branch administers a Voluntary Fund to Grant Travel Assistance to Developing Country Members of UNCITRAL to attend meetings of the working groups: $4,500 was expended in 1998-1999, and the estimated expenditure for 2000-2001 is $12,500.

64. The Branch also administers a trust fund for UNCITRAL symposiums for activities to promote international trade law reform: $179,600 was spent in 1998-1999, and $220,000 is the estimated expenditure for 2000-2001. The Branch also provides the Commission with an annual note on training and technical assistance, summarizing activities conducted in coordination with this fund. For the period from May 2000 to April 2001, for example, the staff of the Branch undertook six seminars in Havana, Tashkent, Seoul, Beijing, Cairo and Bologna, Italy. These seminars lasted from 2 to 4 days and involved 480 participants overall. In all cases they were hosted by ministries, regional centres ,and organizations involved in international trade. Participants interviewed by OIOS stated that the sessions were useful. However, the Branch does not systematically follow-up or seek feedback from the participants, an exercise which would help to measure the effectiveness of such training in a concrete manner.

65. In its resolution 51/161 of 16 December 1996, the General Assembly decided to include the trust funds for symposiums and travel in the list of funds and programmes that are dealt with at the United Nations Pledging Conference for Development Activities and appealed to UNDP and other organizations responsible for development assistance, as well as Governments in their bilateral aid programmes, to support the training and technical assistance programme of UNCITRAL. Unfortunately, some of the programmes contacted were not aware of this resolution and ITLB confirmed that there had been no concerted efforts to formulate a strategy for that purpose because Branch staff are already overstretched.

5. Emerging issues on expansion of membership and working groups

66. In recent years, UNCITRAL has been considering the implications of increasing its membership. In December 2001, the General Assembly deferred the membership issue for consideration at a later date. There has also been a review of the working methods of the Commission. From the proposals contained in the Secretariat's note on working methods, the Commission expressed its preference for increasing the number of working groups by reducing the duration of each working group session from two weeks to one week. *While this will enable the number of working groups to be increased from three to six (within existing conference allocations) and accommodate the demand for work on more topics, it will require increased input from the International Trade Law Branch.* It is anticipated that this will only in part be met by streamlining working methods. Participants and observers of the work of the Commission stated to OIOS that the expansion of the working groups was recognized as an indication of the growing importance of, *and increased demand for uniform trade law standards in a globalized economy.* The limitation of the duration of the groups was also welcomed as it would facilitate attendance. However, doubts were repeatedly expressed as to whether the International Trade Law Branch would be able to maintain the quality and efficiency of its work. Aside from the addition of one Professional post at the P-4 level in 2001, staff resources have remained at the 1968 levels, that is, of 10 Professional and 7 General Service staff. An analysis and reappraisal of the requirements in terms of staff and other support to the expanded working groups appears timely. Given that the issues tackled are of interest to other organizations, the International Trade Law Branch could also consider more strategic efforts to raise funds from partners within and from outside the United Nations, in line with General Assembly resolution 51/161. The Commission decided to review the practical applications of the new working methods at a future session.

C. Custody, registration and publication of treaties

67. The mandate of subprogramme 6, Custody, registration and publication of treaties, derives from Article 102 of the Charter of the United Nations and other

relevant legal provisions. Since 1946, the Treaty Section has been responsible for the following activities:

(a) Registration functions, which involve establishing a date of registration and issuing a Certificate of Registration. A *Statement of Treaties and International Agreements* is issued on a monthly basis and the registered texts are published in the *United Nations Treaty Series*. A *Cumulative Index* is also published periodically;

(b) Depository functions for multilateral treaties, which involve receiving signatures and other treaty actions, notifying parties, establishing certified true copies and the circulation of treaty information through depository notifications, as well as the annual publication of *Multilateral Treaties Deposited with the Secretary-General* and the periodic publication of the *Summary of Practice of the Secretary-General as Depository of Multilateral Treaties*;

(c) Treaty law advice: such support on the technical aspects of treaty-making and law is provided to Member States and others, as requested.

1. Technical competence in discharging registry and depository functions

68. In terms of the legal analysis and technical requirements of the registration and depository functions, the Secretariat has effectively discharged its duties since 1946. Users in the Permanent Missions, Governments and among United Nations agencies have uniformly indicated that the technical work of the Section is professional and sound. Legal officers in United Nations agencies and Governments indicate that they rely on the information processed and maintained, such as status of signatures and reservations, by the Treaty Section and have found this information to be both up-to-date and accurate.

2. Timeliness of publications

69. The United Nations Treaty Collection contains over 50,000 treaties and international agreements and has custody of 518 multilateral treaties for which the Secretary-General is the depository. All information contained in the printed publications is now available online and is updated. *This is the largest single multilateral treaty collection in the world.* The daily updated status information relating to multilateral treaties deposited with the Secretary-General is also now available online. The *United Nations Treaty Series* is available online up to April 1998.

70. The publication of the *United Nations Treaty Series* began in 1946 and now constitutes over 2,030 printed volumes. The collection contains treaties in more than 142 languages, all with translations into English and French. The Charter mandates that registration and publication should be effected "as soon as possible", but from the earliest years, the General Assembly expressed concern about delays in the publication process. Five of the nine General Assembly resolutions adopted since 1946 on the legislative mandate of the Treaty Section amended, simplified or modernized the functions of the Treaty Section to enable it to discharge this aspect of its mandate with speed and efficiency. Measures adopted include: maintaining the register in English and French only; limited publication of certain categories of treaties; increased use of new technology; and requests to Member States to provide courtesy translations of treaties in English or French. The staff of the Section was also gradually increased, from 17 posts in 1978 to 31 in 1994.

71. In spite of these measures, by 1995, the publications backlog had become chronic, while the delay in the publication of the *Monthly Statement of Treaties* was 15 months, the *Cumulative Index* was 14 years and the backlog for the *United Nations Treaty Series* was 11 years. New initiatives were launched in 1996 to tackle this problem through the following: a major computerization effort coupled with intensive staff training programmes, elimination of duplicative tasks, improvement of the dissemination of information through the web site, as endorsed by the General Assembly; and the introduction of updated management methods. The work of the Treaty Section was overhauled and redesigned to be more integrated and responsive to users of its services. These initiatives helped alleviate external dependencies to the extent possible: five posts were redeployed from the Copy Preparation and Proof-Reading Section of the Office of Conference and Support Services. The only aspect of the publication process for which the Treaty Section remains dependent on external input is the translations of treaties, which are processed by the Department of General Assembly Affairs and Conference Services and remain a major problem.

72. As a result of the above, by 1998, the publication of the *United Nations Treaty Series* volumes increased threefold: from 80 in 1996-1997 to 246 in 1998-1999; the new database and management reform allowed the monthly statement of treaties recorded in a given

month to be issued in the next month, compared to the delay of some 22 months in 1996 (see A/55/73, annex, sect. 6, subprogramme 6). Currently, there is a three-year backlog in the publication of the *Treaty Series*. Resource requirements have decreased and three posts are being redeployed to other units of OLA.

73. Two aspects of the treaty publication process, however, will require vigilance if the backlog is to be kept in check. The first pertains to the translation of treaties. Efforts have been made to address the translation backlog and a special allocation of $320,000 was made by the Department of General Assembly Affairs and Conference Services for translations in 2000. A coordinated list of priorities and a reasonable pacing of translation requests should be jointly worked out by the Department of General Assembly Affairs and Conference Services and the Treaty Section and should be periodically updated. *Texts for translations should be submitted by the Treaty Section to the Department of General Assembly Affairs and Conference Services at regular intervals. Translations should also be returned within three to six months by the Department, if the pace of eliminating the backlog is to be maintained.* Without a concerted effort to address this issue, in all likelihood the backlog in the publication of the *United Nations Treaty Series* will again begin to increase exponentially from 2003. The second aspect is the updating of the system database, scheduled for 2002, which could cause instabilities that may affect the activities of the Section.

74. Since its launch in 1995, the United Nations Treaty Collection on the Internet web site has become an up-to-date repository of information on the status of treaties, *which garners some 200,000 hits per week*, and it has significantly expanded access by the general public to international treaties. An average of 400 paper volumes are sold per year (mostly to libraries). The web site has enabled end-users to search the United Nations Treaty Collection in a more time-sensitive and efficient manner. Before the web site was set up, only the staff of the Section could conduct comprehensive searches and the information was then relayed by mail, fax or telephone.

75. Online access appears to have been of value to librarians surveyed in the OIOS survey: more than half of those surveyed through the OIOS depository library survey indicated that they use the web site "frequently". However, the one key improvement repeatedly requested by users is the ability to do full-text searches. The web site should also be hyperlinked to other Treaty depository web sites, both within and outside the United Nations system. Extending the reach of the United Nations Treaty Collection through commercial providers was considered to be useful by 63 per cent of the librarians who responded to the OIOS survey. A user-fee system was instituted in March 2000 with the launch of an upgrade to the web site. This is in keeping with General Assembly resolution 51/158, which endorsed the exploration of the economical and practical feasibility of recovering the costs of providing such Internet access, subject to Member States, organizations of the United Nations system, other international organizations and non-commercial users, not being charged a user fee.

3. Provision of legal advice and appreciation of treaty law

76. Since 1999, as the backlog reached manageable proportions, the Treaty Section has been able to pay more attention to efforts to promoting information about and appreciation of treaty-making and treaty law. In the context of an action plan on the strategy for the era of application of international law, *elaborated by the Secretariat and approved by the Secretary-General in June 2000*, the Treaty Section and key substantive departments identified 25 core treaties representative of the key United Nations objectives. A publication, entitled *Millennium Summit, Multilateral Treaty Framework: An Invitation to Participation*, was produced and, in September 2000, 84 States participated in a three-day treaty event, at which a total of 274 actions were undertaken. Under normal circumstances such levels of treaty activity would have taken between three to six months. The Treaty Section is now organizing annual treaty events on a smaller scale. *In 2001, similar events were organized in connection with the rights of women and children and on terrorism-related treaties.* A focus publication on treaties relating to the environment in conjunction with a special treaty event in parallel with the World Summit on Sustainable Development is being planned for the fifty-seventh session of the General Assembly.

77. During 2001, the Treaty Section, in conjunction with UNITAR, undertook a two-day training seminar entitled "Deposit of treaty actions with the Secretary-General and registration of treaties". The seminar was based on the newest publication of the Section, the *Treaty Handbook*. Thirty-five representatives from

missions to the United Nations attended the seminar, which was designed to meet the needs of the missions' legal counsellors and advisers and to update their knowledge of procedural questions with regard to the preparation of treaty actions. Evaluations by the participants indicated that this training was meeting a need: 96 per cent reported that they found the training to be very useful in the light of their professional tasks. Participants requested UNITAR to include this seminar in their annual programme. The need to provide training on topics such as the negotiation and drafting of treaties and the implementation of treaty obligations, especially with regard to domestic provisions, was also stressed. Seventy-eight per cent of the participants indicated that it would help the processing of treaty registration in countries if seminars of this type were organized in capitals or at regional levels for staff of ministries dealing with bilateral and multilateral treaties. The 2000 action plan envisages the Secretariat taking steps towards providing such support in a more systematic and widespread manner, in collaboration with organizations of the United Nations system.

IV. Conclusions and recommendations

78. In providing a unified central legal service for the Secretariat and organs of the United Nations, the overall performance of OLA has been competent, and in some instances exemplary. OLA has effectively sustained the evolution of legal arrangements related to peacekeeping, taken necessary measures to assist the international tribunals and supported the developments and the adoption of a number of important instruments in international public and trade law. In well-defined areas of the United Nations legal framework, such as constitutional or procedural matters, the advice provided by OLA was authoritative and solution-oriented.

79. During the 1990s, several circumstances including the multiplication of peacekeeping operations, the higher volume of procurement actions, the reforms of procurement and human resources management, increased cooperation with the private sector and the renewed importance of several topics of international public and trade law, significantly increased the workload of OLA. In the mid-1990s, the perception that the efficiency and timeliness of the general legal assistance provided by OLA were compromised prompted a number of reviews to improve the delivery of these services. Another difficulty, which drew the attention of OLA and other United Nations bodies, was the fact that delays in publishing legal material over several years, including publications mandated under the Charter of the United Nations, had resulted in a backlog that had become unacceptable.

80. Corrective measures put in place during the period from 1994 to 1997 began to yield results during the medium-term plan for the period 1998-2001. With regard to issues specific to general legal assistance, assistance was provided in a more timely fashion, although the response time is still not adequate for some users engaged in activities with fast turnaround time. Efforts were made to improve the discussion of legal difficulties with users, with the goal of preventing problems from arising, although the dissemination of information on these matters was limited. The review of new United Nations policies to propose legal solutions to facilitate the implementation of programmes was not always as prompt as desirable. Although the incidence of legal difficulties decreased, it is considered that further improvements are needed in the management of programmes and legal support provided to better protect the interests of the Organization.

81. To address the accumulated backlog in the publication of legal materials, measures were taken that have had uneven results, particularly when inputs from other parts of the Secretariat were required. Good progress was made to eliminate the backlog of the *Juridical Yearbook*. The Treaty Section of OLA has been successful in almost eliminating the backlog in the publication of treaties, the issuance of which is required under the Charter. In acting to eliminate the backlog, the measures included innovations in computerization, successful training efforts and the development of new products. One of the measures was to limit the dependence of the Treaty Section on contributions from other offices. The reverse is the case for the preparation of the *Repertory of Practice of United Nations Organs* by units in different departments and offices coordinated by the Codification Division of OLA, where progress in reducing the backlog has been very slow.

82. The following recommendations are based on the findings presented in sections II and III of the present report. References to bodies and processes reflect developments as at early 2002. The main

thrust of these recommendations is: to promote the development of legal frameworks to facilitate the implementation of policies adopted by the Organization; to enhance the delivery of legal assistance; and to maintain a unified approach to legal services. OIOS believes that implementation of a number of recommendations, in particular recommendations 4 (a), 4 (b), 7 and 15, may require additional resources for which OLA should prepare a detailed justification for review through the appropriate programme and budget review processes. The cost of outposting envisaged in recommendation 5 (a) is normally provided for in the budget of requesting entities. Implementation of the following recommendations primarily concerns each of the corresponding OLA units: for recommendations 1-8, the Office of the Legal Counsel and the General Legal Division; for recommendations 9-12, the Codification Division; for recommendations 13-15, the International Trade Law Branch; and for recommendations 16-19, the Treaty Section.

Recommendation 1
Legal implications of new orientations of United Nations programmes

Expanding on present practice, OLA should systematically be involved in the development and review of new programmes, before they are adopted by the United Nations, and of new approaches being considered or used in programme delivery, in order to clarify the legal implications of these new developments or approaches. Based on these reviews, OLA should issue guidelines to facilitate implementation of strategies and programmes while protecting the interests of the Organization. This effort should be coordinated through existing Secretariat coordinating mechanisms (see paras. 7, 12, 25, 41-43 above).

Recommendation 2
Dissemination of information to assist other departments and offices in their administrative and substantive functions

(a) OLA should provide basic information on the legal aspects of the most frequent administrative actions needed to carry out United Nations programmes and on the assistance OLA can offer. This information should take into account the lessons learned from the legal difficulties faced by the Organization and it should be disseminated through the United Nations Intranet or other channels to ensure easy access by staff involved in the implementation of programmes. OLA should consider disseminating legal information useful to administrative and substantive staff through such channels as orientation and training courses organized by other departments and offices;

(b) To facilitate the drafting and consistency of contracts and agreements, OLA should jointly maintain, with the main users of such documents, a reference collection of actual contracts and agreements drafted in recent years to be used as precedents in the variety of situations that arise. This reference material should be updated regularly with instructive practices sought from end-users (see paras. 12, 25-26 above).

Recommendation 3
Delivery of common services to the United Nations and affiliated funds and programmes

(a) The system of clusters established by the General Legal Division of OLA to facilitate communication with users of services should be supplemented with a list of the Division's lawyers, who will act as contacts for different programmes. This list should be made available on the Intranet and other channels to streamline the processing of new requests for assistance and facilitate informal consultations;

(b) The General Legal Division should adopt processes and standards that would ensure immediate response to the programmes that require a faster response time than is the norm now, or should propose outposting legal officers, as an exceptional arrangement, when it is the most effective option, to such entities as the Headquarters Procurement Division and the headquarters offices of the separate funds and programmes (see paras. 37-40 above).

Recommendation 4
Requirements for support to peacekeeping

(a) OLA should participate in the review of requirements for early deployment of experienced support staff to missions and identify the legal officers, within and outside OLA, who will form part of the Secretariat standby capacity;

(b) OLA should ensure that all peacekeeping and other missions where legal assistance is required are staffed with legal officers familiar with United Nations legal framework, regulations and rules. OLA should review qualifications of individuals proposed as legal officers for peacekeeping mission assignments. Peacekeeping missions should, at least once a year, seek the technical views of OLA on the quality of legal services provided at the missions. OLA legal officers should visit the missions as needed to provide required guidance (see paras. 28-30 above).

Recommendation 5
General legal capacity in other United Nations departments and offices

(a) Departments and offices that require additional general legal assistance should consult OLA for advice on the most effective options to address their needs, the preferred option being the outposting of OLA officers;

(b) The Office of Human Resources Management should submit job descriptions of positions at Headquarters and other offices that contain general legal functions to OLA for review. Where necessary, job descriptions should specify provisions for delegation of authority to provide legal advice on behalf of the Legal Counsel;

(c) Secretariat departments and offices recruiting personnel to positions with general legal functions not under the administrative control of the Legal Counsel should seek the technical views of OLA on the qualifications of the candidates and, periodically, on the quality of legal services provided by such personnel (see para. 43 above).

Recommendation 6
Commercial claims against the Organization: alternative dispute resolution mechanisms

OLA should consult the Procurement Division and the relevant units in the Field Administration and Logistics Division and affiliated funds and programmes as to whether conciliation should be made a mandatory step before a commercial dispute is referred to arbitration. Related amendments that might be required to the standard contract dispute settlement clause of the General Conditions of United Nations Contracts should be in full compliance with the relevant provisions of the Convention on the Privileges and Immunities of the United Nations (see paras. 18-20 above).

Recommendation 7
Early legal assistance in the preparation of complex or innovative commercial contracts

Once a need for the procurement of a particular service or item requiring a complex or innovative contract has been identified, the requisitioning department, the Procurement Division and OLA should consider forming a team so that all major legal issues that are likely to arise can be addressed early on in the process, that is, before the formulation of a Request for Proposal or an Invitation to Bid. OLA and the users of its services should develop a set of criteria to facilitate identification of higher risk procurement situations that may require OLA involvement in the early stage of procurement planning (see paras. 21-23 above).

Recommendation 8
Evaluation of vendors and registration process

Regarding the adoption of common criteria and procedures for the evaluation of vendors, OLA, in collaboration with the legal advisers of the United Nations system, should initiate a review of criteria needed to ensure that registered vendors adhere to the basic values of the United Nations. As a first step, OLA and the legal advisers should ask the different procurement offices to review procurement issues that the adoption of criteria, including a commitment not to use forced child labour,

would raise in their operations as well as the experience of agencies that adopted such criteria (see para. 24 above).

Recommendation 9
Governments comments and information requested by United Nations organs

Considering the low response rate of Governments to requests for comments and information by United Nations organs, OLA should review the results of measures taken in other areas of the United Nations to improve the response rates of Governments. Based on this review, OLA should make proposals to the Sixth Committee to adopt measures that would be appropriate (see para. 49 above).

Recommendation 10
Research support to the International Law Commission and the Sixth Committee

(a) At each annual session, OLA should indicate to the International Law Commission the staff resources available, in terms of Professional work-months, for research support to the special rapporteurs during the next intersessional period, and should request research assignments in areas where its assistance is most needed;

(b) When the work of the Sixth Committee contains new topics or topics rarely covered by United Nations bodies, OLA should offer to prepare background documents on legal aspects of the topics that would facilitate their consideration by delegations in subsequent sessions. The preparation of such documents, when requested by the Committee, would take the form of a survey of existing international instruments, State practices or any other presentation the Committee may deem useful for its work (see para. 50 above).

Recommendation 11
Regional issues and the fellowship programme in international law

OLA should review, with its co-organizers, the course design of the fellowship programme to ensure that more attention is given to issues of concern in different regions, through such approaches as the organization within the programme of regional workshops (see para. 52 above).

Recommendation 12
Repertory of Practice of United Nations Organs

To eliminate the backlog in the publication of the *Repertory* at a faster pace, OLA should formulate a strategy to eliminate the backlog by 2007. Based on its experience in the elimination of backlog in the publication of treaties, OLA should review the practicality of establishing a central *Repertory* section until the backlog is eliminated and present the strategy to the appropriate review bodies (see para. 54 above).

Recommendation 13
Increased coordination with trade law organizations

To enhance coordination in accordance with its basic mandate and ensure a concerted approach to common issues, the International Trade Law Branch (ITLB) should meet annually with key organizations working on trade law issues to share information and workplans (see para. 60 above).

Recommendation 14
Promotion of wider participation in international trade law conventions and use of model laws

(a) To promote appreciation and use of the United Nations Commission on International Trade Law (UNCITRAL) texts, the International Trade Law Branch should increase the range and breadth of its technical assistance in the field of trade law reform. To achieve this, the Branch should formulate a strategy to work jointly with funding agencies supporting trade-related programmes;

(b) The Branch should also devise a strategy to enhance contributions to its trust funds and it should explore new funding from the private sector (see paras. 63-65 above).

Recommendation 15
UNCITRAL expanded programme of work

OLA should review the secretariat requirements that an expansion from 3 to 6 UNCITRAL working groups require and present to UNCITRAL, at its upcoming review of the practical applications of the new working methods, different options that would ensure the necessary level of secretariat services (see para. 66 above).

Recommendation 16
Disseminating instructive management practices

OLA, in conjunction with the Office of Human Resources Management, should document the Treaty Section experience to eliminate the backlog of its publications. This experience, which included the use of modern technology, workload streamlining, improved management practices should be used as an instructive case study in related training modules within the United Nations system (see paras. 71-72 above).

Recommendation 17
Translation needs of the Treaty Section

(a) As the timely issuance of treaty publications involves translation of approximately 12,000 pages during 2002, and as under Article 102 of the Charter of the United Nations the Secretariat is required to publish international agreements as soon as they are registered by Member States, the Treaty Section and the Department of General Assembly Affairs and Conference Services should jointly prepare and execute translation plans to ensure that the backlog in Treaty publications does not re-emerge;

(b) In those years when the Department of General Assembly Affairs and Conference Services is unable to accommodate the Treaty Section's needs, alternatives should be explored to ensure that the production of publications continue with minimum of interruption or delay (see paras. 71 and 73 above).

Recommendation 18
Enhancing United Nations Treaty Collection web site services

OLA should undertake a systematic appraisal of the needs of the users of the United Nations Treaty Collection web site. This appraisal should review issues of user fees, relation with commercial legal database providers, text search capacity and hyperlinks with other treaty sites (see paras. 74-75 above).

Recommendation 19
Enhanced dissemination of treaty law assistance

Building on the experience of the first training session held jointly by OLA and UNITAR in late 2001, the Treaty Section should formulate a briefing/training strategy to disseminate treaty-making and treaty law information at the regional and national levels. It should explore opportunities for wider dissemination through United Nations agencies, which are currently providing technical assistance in sectors such as human rights, good governance and the environment (see paras. 76-77 above).

Recommendation 20
Review by the Sixth Committee

The present report, including the conclusions and recommendations of the Committee for Programme and Coordination, should be submitted to the Sixth Committee of the General Assembly, at its fifty-seventh session, for review and action.

(*Signed*) Dileep Nair
Under-Secretary-General
for Internal Oversight Services

United Nations E/AC.51/2002/6

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Item 4 (c) of the provisional agenda*
Programme questions: evaluation

Triennial review of the implementation of the recommendations made by the Committee for Programme and Coordination at its thirty-ninth session on the in-depth evaluation of the disarmament programme

Note by the Secretary-General**

In conformity with General Assembly resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999, the Secretary-General has the honour to transmit the attached report of the Office of Internal Oversight Services on the triennial review of the implementation of the recommendations made by the Committee for Programme and Coordination at its thirty-ninth session on the in-depth evaluation of the disarmament programme. The report has been reviewed by the relevant departments and offices. The Secretary-General takes note of its findings and concurs with its recommendations.

* E/AC.51/2002/1.
** Delayed in order to coordinate with other OIOS reports concerned with the disarmament programme.

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Report of the Office of Internal Oversight Services on the triennial review of the implementation of the recommendations made by the Committee for Programme and Coordination at its thirty-ninth session on the in-depth evaluation of the disarmament programme

Summary

The present report is submitted in accordance with the decision taken by the Committee for Programme and Coordination (CPC) at its twenty-second session to review the implementation of its recommendations three years after taking decisions on an in-depth evaluation.

Overall, the implementation by the Department for Disarmament Affairs of the recommendations in the OIOS in-depth evaluation of 1999 endorsed by CPC was satisfactory. As recommended, the Department developed further its collaboration with relevant treaty and regional organizations, an important element in advancing implementation of international and other disarmament norms. It pursued with more determination its collaboration with United Nations organizations and with the research community. The Department benefited from the expertise of the latter to explore issues of common interest and provide substantive support to governmental expert groups. In recent years, it promoted more actively the participation of academics and non-governmental organizations in international meetings that the Department organized.

Considering its limited resources, the Department for Disarmament Affairs could not respond to all Governments' requests for support to practical disarmament measures and other initiatives. The support of the Department to the process of intergovernmental negotiation and deliberation in the field of disarmament is a major aspect of the work of the Department. The 1999 in-depth evaluation had concluded that this support was effective. No recommendation had been made, at the time, on this aspect of the work of the Department and, therefore, it is not covered in this triennial review of implementation of CPC recommendations.

The recommendations which have not been implemented, or for which insufficient progress was made, would have required that different budgetary decisions be made during the budgetary process, vis-à-vis the recommendation to improve the financial and organizational arrangements of the United Nations Institute for Disarmament Research (UNIDIR) and the recommendation on strengthening the regional centres for peace and disarmament. As the budgetary process is distinct from the planning process to which evaluations contribute, the matter cannot be pursued further in the context of this triennial review. Regarding the recommendation to improve access by the Department to the databases of the relevant Secretariat departments, OIOS believes that more thorough consultations should be held among the relevant departments to implement that recommendation.

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I. Introduction

1. At its thirty-ninth session, the Committee for Programme and Coordination (CPC) considered the report of the Office of Internal Oversight Services (OIOS) on the in-depth evaluation of the disarmament programme (E/AC.51/1999/2). The Committee endorsed five of the recommendations of the report and formulated one additional recommendation. The extent to which the Department for Disarmament Affairs implemented these six recommendations, as endorsed and adopted by the Committee, is the subject of the present triennial review.

2. The triennial review is based on (a) the information provided by the Department for Disarmament Affairs on the progress made in implementing the recommendations, in response to OIOS annual follow-up, (b) a review of the relevant documentation and information submitted by the Department and other concerned organizations, in early 2002, and (c) consultations with their staff. In 1999, the in-depth evaluation of the disarmament programme had concluded that the members of intergovernmental organs were very satisfied with the secretariat services provided in support to intergovernmental negotiations and deliberations in the field of disarmament. During the period 2000-2001, the Department provided support to a number of major conferences. However, meetings of subsidiary bodies of the Conference on Disarmament and meetings of States parties to multilateral disarmament treaties were cancelled or postponed by legislative decision, as reported in the report on the programme performance for the biennium 2000-2001. For several years, the Conference on Disarmament was not able to reach consensus on its programme of work. In this difficult context, the Department further developed its outreach activities and collaboration with other organizations to promote "a better understanding of United Nations endeavours in the field of disarmament" as stipulated in the medium-term plan for the period 1998-2001 (A/53/6/Rev.1,[1] para. 26.7).

II. Findings

3. The findings below are in relation to recommendation 3 (a) on the ratification of multilateral agreements; recommendation 4 on collaboration in research; recommendation 5 on the financial and organizational arrangements of the United Nations Institute for Disarmament Research (UNIDIR); recommendation 6 on access to Secretariat databases; recommendation 7 (a) on collaboration with regional organizations. The other recommendations in the in-depth evaluation were not endorsed by CPC. The Committee formulated one additional recommendation on the regional centres for peace and disarmament, the implementation of which is reviewed in paragraphs 23-25 below.

A. Multilateral agreements

Recommendation 3, Multilateral agreements: (a) In keeping with existing legal provisions regarding the role of the Secretariat, and in collaboration with relevant treaty organizations and regional organizations, the Department for Disarmament Affairs should promote the ratification of disarmament treaties by facilitating the exchange of information between interested States and

undertake, at the request of Governments, advisory services and technical assistance.

4. The advocacy role of the Secretary-General, to ensure early entry into force of a treaty and universality of adherence, a concern frequently expressed by Member States, is carried out under specific provisions of a convention, at the request of United Nations bodies or under a broad interpretation of the Secretary-General's moral obligation regarding matters that may threaten the maintenance of international peace and security. The 1999 OIOS evaluation noted that briefings and seminars that the Department for Disarmament Affairs organizes may promote treaty ratification but that funds are available mostly to support negotiations and are lacking for the promotion of ratification.

5. To implement CPC recommendation 3 (a) above, the Department decided, in 1999, to pursue the following course of action:

(a) To co-organize or sponsor with interested organizations and Governments — including with treaty-implementing organizations — workshops, seminars or discussions to engage interested States in a dialogue aimed at seeking measures to accelerate ratification of disarmament treaties;

(b) To facilitate exchange of information among States on expertise, in particular regarding the establishment of treaty-implementing institutions at the national level;

(c) To involve the regional centres for peace and disarmament in order to facilitate dialogue among States at the regional level;

(d) To provide required technical expertise in treaty implementation, at the request of Governments.

6. In this regard, during the period under review, the Department for Disarmament Affairs maintained close contacts with the Organization for the Prohibition of Chemical Weapons and the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (PTS/CTBTO) to facilitate implementation of their respective relationship agreements with the United Nations. Also, regular exchange of information continued with the International Atomic Energy Agency and regional treaty organizations such as the South Pacific Forum and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

7. The functions of these organizations and the resources made available to some of them do not compare with the role and resources of the Department for Disarmament Affairs. For example, the PTS/CTBTO has more than 250 staff, technically experienced on issues relevant to one treaty, while the Department has 50 staff to cover the full range of disarmament issues. Nevertheless, the PTS/CTBTO reported that it appreciated the cooperation of the Department and its support in organizing outreach activities. According to the PTS/CTBTO, a notable example of this cooperation is its joint action with the Department in the successful holding of the 2001 conference on facilitating the entry into force of the comprehensive nuclear-test-ban treaty, in New York, at the ministerial level, with the participation of 118 States. Also, the regional centres for peace and disarmament in Lomé and Lima assisted the PTS/CTBTO in the organization of regional and subregional workshops, and the implementation of a one-year programme to

promote the CTBT ratification in the Latin America and the Caribbean region, using voluntary contributions. In 2000 and 2001, the regional centre in Lima made presentations to the legislative bodies of four countries in the region in support of ratification of the CTBT, in collaboration with representatives of the PTS/CTBTO. Since then, three of these countries have ratified the treaty. In addition, the regional centre in Asia and the Pacific, in close collaboration with the PTS/CTBTO and the Organization for the Prohibition of Chemical Weapons (OPCW), promoted the signing and ratification of the CTBT and the CWC by the Pacific Island States through its workshop held in Wellington, New Zealand, in February 2002.

8. Such joint initiatives mobilize additional support for the work of the Department for Disarmament Affairs but are only a partial solution to the Department resource constraints which cause it to limit its activities. For example, in the area of practical disarmament projects, requests for assistance were received during the biennium 2000-2001 from a dozen Governments and one group of countries. Due to the limited resources available, the Department was able to respond to half of these requests in the form of fact-finding missions and field visits to set up arms collection projects.

9. To increase transparency and confidence-building conducive to strengthening disarmament treaty regimes, the Department maintains two databases for the voluntary exchange of information relating, respectively, to (a) the United Nations Register of Conventional Arms and (b) the United Nations standardized instrument for reporting of military expenditures, as mandated by the General Assembly. To encourage greater government participation in these two instruments, the Department initiated a series of activities to familiarize Member States with the reporting procedures. Activities included formal meetings of delegates on the margins of the First Committee, symposia as well as regional and subregional meetings of government officials organized with the assistance of interested Governments. Only 28 Member States participated in the reporting of military expenditures in 1996; in 2001, reports were received from 55 Governments. In 1996, 93 Governments participated in the Register of Conventional Arms; in 2001, replies were received from 117 Governments. A third database was developed and maintained in implementation of article 7 of the 1997 Convention on anti-personnel mines.

10. OIOS considers that recommendation 3 (a) has been implemented by the Department for Disarmament Affairs to the extent that its resources made it possible.

B. Increased collaboration in research

Recommendation 4, Increased collaboration in research: In the context of existing mandates, as adopted in the Final Document of the Tenth Special Session and subsequent General Assembly resolutions, the Department for Disarmament Affairs should explore modalities for increased collaboration with UNIDIR, organizations of the United Nations system, the research community and non-governmental organizations. This collaboration should be aimed at providing a greater volume of studies and technical information in response to existing and future requests of Member States.

11. The 1999 in-depth evaluation noted that the Department prepares, for the Secretary-General and the General Assembly, a small number of studies and expert reports. The evaluation recalled that, at its first special session devoted to disarmament, the General Assembly considered that the Centre for Disarmament — now the Department for Disarmament Affairs — should take into account fully the possibilities offered by specialized agencies and other institutions of the United Nations system with regard to studies and information on disarmament, and should also increase contacts with NGOs and research institutions (resolution S-10/2, para.123).

12. As requested in recommendation 4, the Department further developed its collaboration with organizations of the United Nations system and with the United Nations Children's Fund (UNICEF), the United Nations Environment Programme (UNEP), and the United Nations Educational, Scientific and Cultural Organization (UNESCO) explored the possibility of organizing joint workshops and other events leading to disarmament. The joint exhibit with UNICEF, "Taking aim at small arms: Defending children's rights", has been installed at different locations since 1999. Organizations such as UNESCO, the United Nations University (UNU) and UNICEF participated, at the invitation of the Department, in the work of the Group of Governmental Experts on Disarmament and Non-Proliferation Education. The Department's cooperation with United Nations organizations and departments continued within the framework of Coordinating Action on Small Arms (see para. 20 below). The Department, through its regional centre for Asia and the Pacific, established in 2001 a consultative group comprising focal points from the Department for Disarmament Affairs, the Department of Economic and Social Affairs, the Department of Political Affairs, the United Nations Development Programme, the United Nations Environment Programme and the International Atomic Energy Agency regarding the non-nuclear aspects of Mongolia's international security.

13. Several experts in the field of disarmament informed OIOS that the Department has compensated for its limited resources and difficulties to undertake longer-term research by collaborating more closely with UNIDIR. In turn, UNIDIR has taken on a much more practical and relevant role, relating its research priorities in a more timely manner to the issues that confront the international community. UNIDIR research capacity was utilized by the Department in the studies mandated by the General Assembly on disarmament and non-proliferation education and on missiles. With regard to the latter, the Institute acted in a consultative capacity, providing substantive support to the Panel of Governmental Experts on the Issue of Missiles in All Its Aspects. UNIDIR continued to organize seminars in Geneva and New York on issues ranging from the impasse at the Conference on Disarmament to tactical nuclear weapons. These were well attended by high-level participation from government delegations and experts.

14. A symposium by the Stockholm International Peace Research Institute (SIPRI) on a new conceptual approach to disarmament was co-sponsored by the Department for Disarmament Affairs. The Department commissioned the services of the PIR Centre for Policy Studies — a research institute in Russia specializing in non-proliferation issues — as a consultant for the Group of Governmental Experts on Disarmament and Non-Proliferation Education. In general, the careful effort of the Department to promote the link between the diplomatic environment in which it operates and civil society is a relatively new phenomenon, which is rapidly gaining

impor.ance. It is noted that, in recent years, the Department has actively promoted the participation of academics and NGOs in international meetings which the Department is organizing. Department staff and the head of the Department himself attended meetings of parliamentary groups, other important public meetings at the national level and joint meetings of governments and NGOs.

15. OIOS considers that the Department for Disarmament Affairs implemented recommendation 4 in a meaningful manner and facilitated the exchange of ideas between governmental and non-governmental sectors, as envisaged in the medium-term plan for the period 1998-2001.

C. United Nations Institute for Disarmament Research, financial and organizational arrangements

> *Recommendation 5, UNIDIR*: The Department for Disarmament Affairs and UNIDIR should develop proposals for alleviating difficulties regarding the current financial and organizational arrangements adopted in implementation of the statute of UNIDIR, while maintaining its autonomous status. These proposals should be submitted to the General Assembly for consideration at its fifty-fifth session.

16. Immediately after CPC adopted recommendation 5, the Department for Disarmament Affairs and UNIDIR, in consultation with the Office of Programme Planning, Budget and Accounts, were actively engaged in finding a solution to the budgetary cuts that had affected the Institute in 1996. In 2000, the General Assembly adopted without a vote resolution 55/35 A, in which the Assembly, considering the continuing need for the international community to have access to independent and in-depth research on security issues and prospects for disarmament, recommended that the Secretary-General seek ways to increase the funding of UNIDIR, within existing resources. The Assembly recalled the report of the Advisory Board on Disarmament Matters on the issue, in which hope was expressed that the United Nations subvention to UNIDIR would be restored to its pre-1996 level and adjusted for inflation. In an effort to increase this subvention, the Department, in consultation with UNIDIR, proposed an increase to $250,000. The proposal was not successful. Thus, the proposed programme budget for the biennium 2002-2003 submitted for consideration by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee recommended that a subvention of $213,000 per year — unchanged since 1996 — be approved to cover the costs of the Director and the administration of UNIDIR. By resolution 56/255 of 24 December 2001, on special subjects relating to the programme budget, the General Assembly approved the recommended subvention of $213,000. The subvention has been recosted to take into account inflation, among other things. *It is the understanding of UNIDIR that this is a direct result of the efforts made to implement recommendation 5 above.*

17. OIOS considers that recommendation 5 was implemented and met with partial success, taking into account General Assembly resolution 55/35 A.

D. Access to Secretariat departments' databases

Recommendation 6, Contingency access by the Department for Disarmament Affairs to external databases: Arrangements should be worked out between the Department for Disarmament Affairs and the relevant Secretariat departments and international organizations to facilitate access by the Department to disarmament-related information contained in their databases, so that the Department can access such databases when specific requests require it to compile information in them.

18. The 1999 in-depth evaluation had reported several deficiencies in the sharing of information relevant to the work of the Department among departments of the Secretariat and that a joint databank or other arrangements for closer collaboration would be useful, especially to obtain first-hand information from field missions. The Department of Political Affairs had stated to OIOS that the Department for Disarmament Affairs databases, if developed with advice from the Department of Political Affairs, could be very useful to the work of both departments. After CPC adopted recommendation 6 above, the Department for Disarmament Affairs entered into preliminary consultations with the Department of Political Affairs and the Department of Peacekeeping Operations regarding access to their databases. It was noted that the software infrastructure for access is in place but that the need to protect politically sensitive information may be an obstacle to broadening access. The departments involved considered that protection procedures require a high-level of database management and that the needed human resources may not always be available. The CPC recommendation above involves access only to disarmament-related information for the analysis of which the Department for Disarmament Affairs has clear mandates and, considering its status within the Secretariat, should not be prevented from reviewing sensitive information in its area of competence. The difficulty perceived by the departments might be addressed by modifying the structure of the databases so that only the information relevant to the Department for Disarmament Affairs would be accessible by it. It would be useful for the departments, in this instance, to review the experience of programmes processing routinely information with complex confidentiality requirements, such as the secretariat of the International Narcotics Control Board.

19. *The Department for Disarmament Affairs stated to OIOS that, with the development of the Internet and Intranet at the United Nations, departments can now access the information regarding various areas of their work that are posted on their respective web sites.* OIOS considers that recommendation 6 was partially implemented.

E. Collaboration with regional organizations

Recommendation 7: Collaboration with regional organizations: (a) To establish effective liaison and cooperation with regional organizations, as recommended by the Disarmament Commission, the Department for Disarmament Affairs should conclude agreements or memoranda of understanding with regional organizations, inter alia, to facilitate the exchange of experience between regions or to assist in the implementation of confidence-building measures adopted by Member States at the regional or subregional levels.

20. The medium-term plan for the period 1998-2001 required that the Department for Disarmament Affairs provide support and promote regional disarmament efforts and initiatives so that regional solutions are more vigorously pursued. To that end, the Department continued to cooperate with other entities within and outside the United Nations system. Within the United Nations, the Department for Disarmament Affairs is the focal point for all action on small arms, an issue addressed by a number of regional and subregional initiatives. Since 1998, the Department has supported the mechanism for coordinating action on small arms, which remains the only forum for mutual consultation and exchange of information on this issue among United Nations programmes.

21. As recommended, the Department concluded agreements with a number of regional and subregional organizations. In connection with the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, a memorandum of understanding (MOU) was signed by the Department and the Organization of American States in 2001 with a view to collaborating on projects on illicit trafficking of firearms, ammunition and explosives. In addition, an MOU between the two above-mentioned entities is being negotiated on landmine matters. The Department is also exploring the possibility of concluding MOUs for cooperation with MERCOSUR, CARICOM, the Andean Group, OPANAL and the University for Peace. For the Department Lima regional centre, these associations increase the visibility of the Centre and have a synergistic effect. The other regional centres did not follow this formal approach to collaboration. However, it is noted that these centres cooperated on a regular basis with regional and subregional organizations in their regions. These included the Organization of African Unity, the Economic Community of West African States, the Southern African Development Coordination Conference and the Economic Community of Central African States in Africa and the Association of South-East Asian Nations, the South Asian Association for Regional Cooperation and the Pacific Islands Forum in Asia and the Pacific.

22. OIOS considers that steady progress has been made in the implementation of recommendation 7.

F. Strengthening the regional centres for peace and disarmament

Additional CPC recommendation: The Committee highlighted the importance of the regional centres for peace and disarmament. The Committee requested the Secretary-General to take appropriate action to strengthen the centres and make them more effective.

23. In the mid-1990s, it was observed that the voluntary contributions on which the centres depended primarily for their operations had dwindled over the years and their activities were drastically curtailed. The Kathmandu Centre had continued operating from New York and, as it incurred lesser amounts of administrative support costs, it was less seriously affected than the Lomé and Lima Centres. The Secretary-General had stated in his report on the situation that, "part of the difficulty in raising funds through voluntary contributions [for the centres was] that, in many cases, potential donors have wished to see an infrastructure already in place at the respective centres before committing themselves to contributing to any project" (A/C.5/47/62, para. 7). Normally there is no provision in the regular budget to cover

the administrative support costs of such centres. A one-time provision of $150,000 was approved for that purpose by the General Assembly for the biennium 1992-1993. Only the posts of directors of the centres are financed from the regular budget. In view of the precarious situation of the centres, the Secretary-General proposed in the programme budget proposals for 1998-1999 that these posts be discontinued. The General Assembly decided to retain these posts and encouraged the future directors of the centres to actively pursue all available venues for securing resources for the revitalization of their activities. The vacant posts in those centres were filled in 1998 and the revitalization programme for each Centre was launched and became progressively implemented.

24. The amount of extrabudgetary resources in the trusts funds of the three centres increased from $342, 000, for the biennium 1998-1999, to an estimated $764,400 for the biennium 2000-2001. The Department, to alleviate the difficulties due to the small size of its staffing establishment, sought to strengthen its human resources by engaging associate experts. Currently, of the five associate experts assigned to the Department, three were deployed to the regional centres. Two additional experts might be assigned to the centres in the near future. At the Lima Centre, the host Government makes an annual contribution towards the maintenance and operation of the Centre. However, in his report, the Secretary-General stated that "adequate funding for administrative and operational costs has yet to be found" for the Lima Centre (A/56/154, para. 34). As for the Lomé Centre, "persistent financial problems do not allow the Centre to operate at full scale to implement its work programme. Its functioning is also hampered by a lack of resources to cover operational costs. It therefore continues to operate with a skeleton local staff at the General Service level" (A/56/137, para. 42). Regarding the Regional Centre in Asia and the Pacific, currently relocated to Kathmandu, the host Government informed the Department that it will "bear the annual operational costs of the Centre, once the Centre has been physically moved to Kathmandu" (A/56/266, para. 15). The Department is currently negotiating a host country agreement and a memorandum of understanding with Nepal.

25. OIOS believes that the full implementation of the CPC recommendation on strengthening the centres requires that a new approach be found to the funding of administrative support costs of all the centres. The ad hoc contributions for this purpose are highly unpredictable, and without stable funding to provide for support staff, necessary equipment and logistics, the normal functioning of the centres is not possible. This matter was reviewed in detail in the recent OIOS report on the inspection of programme management and administrative practices in the Department for Disarmament Affairs (A/56/817).

III. Conclusions

26. **To the extent that its resources made it possible, the Department for Disarmament Affairs adopted and pursued a plan of implementation of the CPC recommendations that achieved, in large part, the intended results. In particular, the Department, in collaboration with relevant treaty and regional organizations, the research community and non-governmental organizations contributed to promote more vigorously a better understanding of United Nations endeavours in the field of disarmament.**

27. **The Department is expected to facilitate the process of multilateral deliberation and negotiation by providing substantive organizational support to a number of intergovernmental organs. During the period 2000-2001, a number of important conferences were held. Other meetings of States parties to multilateral disarmament agreements as originally scheduled were cancelled by legislative decision. The Conference on Disarmament did not reach consensus on its programme of work.**

28. **The implementation of the recommendation on improving the financial and organizational arrangements of the United Nations Institute for Disarmament Research met with partial success. The recommendation on strengthening the regional centres for peace and disarmament requires further efforts. Full implementation of these recommendations requires that different budgetary decisions be made. As the budgetary process is distinct from the planning process to which evaluations contribute, consideration of the factors that would ensure full implementation cannot be pursued further in the context of this triennial review. Regarding the recommendation to improve access to the databases of the relevant Secretariat departments, OIOS believes that more thorough consultations should be held among the relevant departments to implement the recommendation.**

(*Signed*) Dileep **Nair**
Under-Secretary-General
for Internal Oversight Services

Notes

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 6.*